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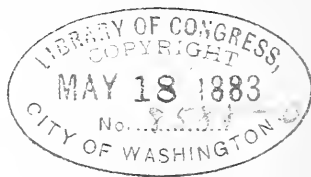
THE  
GROWTH OF A PEOPLE

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*A SHORT STUDY IN FRENCH HISTORY*

✓ BY  
PAUL LACOMBE

*A TRANSLATION OF THE "PETITE HISTOIRE DU  
PEUPLE FRANÇAIS "*

BY  
LEWIS A. STIMSON



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## P R E F A C E.

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The singular merit of Lacombe's *PETITE HISTOIRE DU PEUPLE FRANÇAIS*, and the marked favor with which it was received in its original form, have prompted this attempt to make it accessible to a larger circle of readers the only other translation that has been made being now out of print.

Although it nominally deals with the development of social and political institutions and customs in France alone, much of its story is equally true of other peoples, and it extends so far back into the past that it covers times which belong to our own history.

A change in the title has been made with a twofold object: to avoid a misleading resemblance to that of a recent well-known history,

the character of which is entirely different, and to suggest the aim and scope of the work more directly than its original title seems to do.

Chapter- and page-headings and an index have been added, as have also a few notes, either etymological (for which Littré is the authority) or in explanation of French terms which have been retained in the text because of the lack of exact equivalents in English.

L. A. S.

*New York, May, 1883.*



# CONTENTS.

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## CHAPTER I.

<i>Ancestors and Language . . . . .</i>	1
---	---

## CHAPTER II.

<i>The Gauls . . . . .</i>	5
----------------------------	---

## CHAPTER III.

<i>The Gauls—(Continued) . . . . .</i>	12
--	----

## CHAPTER IV.

<i>The Roman Rule . . . . .</i>	19
---------------------------------	----

## CHAPTER V.

<i>Skilled Labor under the Romans . . . . .</i>	30
---	----

## CHAPTER VI.

<i>The Conquest by the Eastern Barbarians—The Merovingian Rule . . . . .</i>	32
--	----

## CHAPTER VII.

<i>The Judicial Customs of the German Barbarians— Laws become territorial instead of tribal . . . . .</i>	41
---	----

## CHAPTER VIII.

<i>Conditional Grants of Land by Kings and Captains to their Subordinates—Benefices and Beneficiaries . . . . .</i>	47
---	----

## CHAPTER IX.

- The Struggle to establish Hereditability of Land and Offices—The Rise of the Feudal System* . . . 52

## CHAPTER X.

- Degradation of the People—Disappearance of Freemen—Acquisition of the Land by Seigneurs and Warriors—Merging of Slavery in the Colonate—Serfs.* 59

## CHAPTER XI.

- Changes in the judicial System—The Seigneurs acquire the Right to administer Justice* . . . 67

## CHAPTER XII.

- The Working of the Feudal System—Private Wars and Disputes between Seigneurs* . . . 74

## CHAPTER XIII.

- The Incursions of the Northmen—Distress and Famine—Expectation of the Destruction of the World in the Year 1000* . . . 83

## CHAPTER XIV.

- The Famine of 1030–32, followed by the “Peace of God,” and that by the “Truce of God”* . . . 88

## CHAPTER XV.

- The Towns rebel against the Authority of the Seigneurs—The Establishment of the Communes.* . . . 91

## CHAPTER XVI.

- The Feudal System in the eleventh Century—The Taille—The Corvees—The Banalités—Tolls—Lods et Ventes* . . . 99

## CHAPTER XVII.

*The Rise of the royal Power—The Capets—Louis VI.* 108

## CHAPTER XVIII.

*The Nature of the royal Authority over the different  
Estates of the King—The King becomes Seigneur  
of the Cities—Grands-Baillis* . . . . 113

## CHAPTER XIX.

*Grands-Baillis—Right of Appeal to the King—The  
King's Quarantine* . . . . 121

## CHAPTER XX.

*Further Substitution of Tribunals for private Wars  
and judicial Duels* . . . . 125

## CHAPTER XXI.

*Aggrandizement of the royal Power—Unification of  
Laws—Manumission of Serfs—Decline of the po-  
litical Strength of the Towns* . . . . 128

## CHAPTER XXII.

*Creation of a standing Army* . . . . 137

## CHAPTER XXIII.

*Establishment of the Court by François I.* . . . 140

## CHAPTER XXIV.

*The Fall of the Feudal System—Modification of the  
Tailles, Corvees, Banalités, etc.* . . . . 145

## CHAPTER XXV.

*Persistence of Feudal Manners and Customs—Failure  
of Justice against the Nobles* . . . . 153

## CHAPTER XXVI.

<i>The Ancien Régime from the sixteenth to the end of the eighteenth Century . . . . .</i>	159
--	-----

## CHAPTER XXVII.

<i>Taxes and Imposts under the Ancien Régime . . . . .</i>	168
--	-----

## CHAPTER XXVIII.

<i>The Farming of Taxes . . . . .</i>	181
---------------------------------------	-----

## CHAPTER XXIX.

<i>Exactions and Restrictions in the daily Life of the Peasant . . . . .</i>	185
--	-----

## CHAPTER XXX.

<i>The Destitution of the People in the seventeenth and eighteenth Centuries . . . . .</i>	188
--	-----

## CHAPTER XXXI.

<i>The Condition of the Workmen and Artisans in the Cities—The Restrictions laid upon the Choice and Exercise of a Trade . . . . .</i>	195
--	-----

## CHAPTER XXXII.

<i>The Effect of the Revolution of 1789 . . . . .</i>	212
---	-----

## CHAPTER XXXIII.

<i>The Future . . . . .</i>	214
-----------------------------	-----

# THE GROWTH OF A PEOPLE.

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## CHAPTER I.

### *ANCESTORS AND LANGUAGE.*

Every one knows that France was at first called Gaul. Its first inhabitants were the Gauls, and we are their sons. Why then are we called French? The answer must be given briefly.

The blood that flows in our veins is not pure Gallic blood. Our forefathers were conquered twice; first by the Romans, afterwards by the Germans.

Some of each, Romans, Germans, established themselves by force in our country; they married there, they had children there; in time the children of the conquered and those of the conquerors became commingled and together formed a single nation. We are descended, then, from three peoples.

Next to the Gauls, those from whom we derive the most are the Romans. The Romans

established themselves among us in greater numbers, perhaps, than the Germans, but it is a more important fact that they ruled here for a longer time. For about five hundred years, the government that had its seat at Rome ruled us actually or nominally. More than that, it was the Romans, more civilized than we, who educated us. They built the first roads through the forests with which our country was almost covered; they taught us better methods of working the silver and copper mines, to cultivate the grape more intelligently, to raise wheat, etc. It may be said, in short, that they taught us agriculture. Before their time the Gauls built only thatched cottages of wood and mud; the Romans were the first to build real houses and public works, of which we still see remains. The Romans, in a word, were then our superiors, as we are now the superiors of the Algerian Arabs. The best proof of their ascendancy over us is that we gave up our language for theirs.

There are many who do not know what the French is which they speak; it is not Gallic, there is almost no connection between the two. French is Roman, or, as it is more usually termed, Latin, but Latin degenerated, Latin that has been *flayed*. It certainly cannot surprise the reader, that the Gallic peas-

ant, the Gallic working man, who tried to speak Latin should have flayed it. What would happen if all of us, here in France, should be compelled, for any reason, to speak English; the scholarly, the educated bourgeois, the upper classes, in a word, would succeed in speaking it purely enough; but the people at large would treat it after their own fashion, that is to say they would maltreat it. That is what was done with the Latin.

So long as the Roman government kept order and peace in our country there were scholars and educated bourgeois; they alone carried on affairs, wrote, and spoke, and their language was Latin. The common people, who flayed Latin, did not appear upon the stage. Roman Gaul during all this time seemed to be a country where Latin was spoken; but there followed, as we shall see, a long period of troubles, wars, miseries, disorders, during which the time and taste for study were lost. People had enough to think of in defending themselves and obtaining food. There was no longer any upper class; so far as education is concerned all were common people, all spoke a barbarous Latin, and it was then that the French language was born. The reader may ask how they, who spoke so ill the language they used, were able to understand one another. It was because they all modified

the Latin in the same way. It is a fact which any one can observe. Foreigners of any particular nationality, such English, for example, as do not speak French well, all make the same mistakes, and misuse the language in the same way. It was the same with the Gauls. And when every one had acquired the habit of making the same mistakes in Latin, when no one ever failed to make them, and when they erred regularly, correctly, so to speak, then it was that the French language made its appearance fully formed. This seems strange at first, but a moment's reflection makes it intelligible.

The Romans took away from us our language; the Germans our name of Gauls. The German invaders were composed of several peoples or tribes. The *Franks* occupied the northern part of Gaul, the *Burgundians* the eastern, and the *Visigoths* the southern. The kings of the Franks finally overcame and killed the kings of the two other tribes. They then reigned over the conquering and the conquered peoples throughout Gaul. The whole of Gaul was the kingdom of the Franks. Thence came a little later the word France, and then the word French. And now that we know to whom we owe our origin, our language, and our name, let us return to our principal ancestors, the Gauls.



## CHAPTER II.

### THE GAULS.

The Gauls were not a single and compact people; they were a mere conglomeration of clans or tribes. It is true there was no isolated clan, living without alliance with the others; no clan that did not belong to a *confederation*; but still it was always the clan that constituted the important unit. The clan had a chief, who was elected (originally by all the freemen). This chief, and the principal heads of families in the clan, formed, at need, a sort of civil and criminal tribunal. Superior to its jurisdiction was that of the priests, the *druids*; they formed the court of last resort. The Gauls did not lack judges, as we see; but what they did lack was a well-organized public force to execute the decisions of the judges. They knew no such thing as the State. It is needless to say that at this time there was neither police nor any force resembling it. The decisions of the tribunal were executed more or less thoroughly, as private individuals

were more or less energetic in aiding their enforcement.

Suppose each village to-day to be a sort of little republic. The richest inhabitants constitute the tribunal of the district, and issue orders which the public are to carry out. What will happen? It can be foreseen: they who are rich or powerful in the district, with relations and friends, will defy the authority of the tribunal. Then, as the republic is very small and the frontier close at hand, they who have anything to fear will readily escape punishment by flight. Crimes will be frequent, for impunity encourages violence.

This is what happened among the Gauls. Remember, too, that they were far more barbarous and violent than we.

Now let us see how the needs of common life were met, how the people fed themselves, how they were clad and lodged. This leads us to speak of the origin of property.

At first, men lived by fishing and hunting. This was the first state of mankind, and subsistence was then precarious. The man whose dinner depends upon the fortune of the chase has peculiar ups and downs. To-day he has more food than he can use; to-morrow he has nothing and goes hungry. Then hunger makes him take thought, and he conceives the idea of

taming, of domesticating certain animals so that he may always have a meal at command. He carries out his idea, he gathers a herd, and with this herd moves from place to place, traveling slowly over broad areas, native pastures. This is the so-called pastoral life, the second state of mankind.

In these two states, what was the nature, what the limits of the right of property? Man, at first, owned his weapons, his implements for hunting and fishing; then, after he had entered the pastoral state, he owned his flock, his dogs. But thus far the idea of ownership had not been extended to the soil. The thought of applying to the soil the idea of mine and thine was first suggested when two clans, two tribes (one might as well say two families, for the tribe was only a family naturally increased, developed by multiplication), when, I repeat, two tribes met and disputed the possession of some district. They first fought, then ended by making a treaty, an agreement. "You shall have the land and the forest on the further side of such a river, and we will have those on this side." This was ownership of land in its earliest form; a common undivided ownership. There was no need to distribute the land among the members of the clan; of what use would that be! The herds grazed in common, it was

easier and safer; they could thus be better protected against the numerous beasts of prey. The herdsmen, banded together, could protect their united herds and themselves much better than each man, if isolated, could protect his own.

But the herd was not enough, apparently, to guarantee them against famine. This led to another call upon the spirit of industry. It was found that if the waste or wooded land was burnt over and certain grains known to be fit for food were sowed there, these grains would grow abundantly and drive out the weeds. Here was another resource.

Each man clears a small strip about his hut and sows grain. This strip remains the property of the sower until after the harvest; for it is plainly felt that he who sows has the right to gather. But, after the harvest the field again becomes common property. Moreover, it produces nothing the second year. A new strip must be burned over, and thus year after year they acted until there was no more land in the neighborhood to be burned over. Then they had either to move away in search of virgin soil or to find some means to renew the fertility of the old. Thus were discovered the first principles of agriculture: preparation of the land, manuring. The man now puts work

upon his field, and by this work he gives it not only its immediate fertility, that which will produce the year's crop, but also a future fertility; he makes his field more fit to produce crops in the future. Is it fair that the commune, the clan, shall take back from him this field which henceforth will contain something received from him and belonging to him! A new idea has arisen, one which, acting upon the conscience, will, little by little, put an end to common ownership of this field as an injustice. Still, for a long time, however, the clan is considered to be the only real owner; for a long time the council of the clan allots to each head of a family, according to the number of his children, the portion of land which he shall have the right to cultivate; but, by degrees and slowly, the idea of private ownership becomes dominant. At first the fields are allotted anew at the end of each year. Then the distribution is made only every third year, then every fifth year, then every tenth year. After that comes a time when the distribution is no longer made among the members of the clan, but only among the members of each family, to each generation; the patrimony of the family can no longer be claimed by the clan.

Property had to pass, necessarily, through

this intermediate stage; having been communal, it had to belong to the family before becoming personal. It is of course understood that during this period there was no thought of disposal of the land by the testament of the head of the family, for he was not really its owner. The right to devise can exist only with individual ownership.

It must be understood also that this progress of which we are speaking applies only to land that has been *worked*; the plains and the forests remain common, undivided estate. There could be no thought of applying to them this new right that was founded upon labor, for no labor had been put upon them. We shall see that, with reference to such land, the principle of non-division, of common ownership lasted among us for a very long time and that examples of it existed even lately.

At the moment when history begins to disclose to us the condition of our ancestors, the Gauls, all these forms of property exist side by side, either in neighboring tribes, as each is more or less *advanced*, or within the same tribe. Agriculture still amounts to but little; the pastoral method predominates and furnishes the greater part of the supply of food.

And now, imagine Gaul as it was then: wooded almost throughout; the mountains, the

hills covered with a heavy growth of oak and beech; in the bottom-lands, natural meadows. Only about the villages and towns do a few small fields of barley and oats contrast with the general verdure. Upon the banks of the rivers are a few patches of flax or hemp. Villages, towns (large villages) are scattered here and there in the vast forest. The houses, or rather the cabins, are all alike. Made of wood, with mud in the cracks, they are covered with boughs, reeds, and, at a later period, with rye straw, thatched. Within, no furniture: a few mats or a few pieces of cloth on which to sleep, some earthen or wooden pots; perhaps a table and benches, but those not always.

The dwellers in this building live mainly upon the flesh of their herded animals, and especially upon that of the half-wild hogs which live in the woods near by and which they have to kill with arrows. They have already learned to dry and keep the flesh of these animals. When meat is lacking, as often happens, its place is supplied by a soup of barley or rye. They have a drink made of barley. Bread is unknown.

## CHAPTER III.

### *THE GAULS—(Continued).*

Who looked after the herds, who cultivated the field sowed with barley, rye, or millet-seed, and the patch of flax on the bank of the river? It was not the man of the household, the chief, nor was it even his sons or male relatives; husbandry was thought unworthy of a freeman. The freeman only fights or hunts. When at home, he lies all day stretched upon a mat; he sleeps or dreams, like the American savage of to-day. It was the women who cultivated the soil, who handled the spade and the mattock, while their husbands and masters slept. The *colons*<sup>1</sup> and *slaves* took care of the herds and did the heavier work, such as fetching wood and water.

We have barely entered the historical period, and already we meet with *slaves*. Whence came these men? How did they fall into the condition in which we find them? The presence of slaves is easily explained: war gave rise to

<sup>1</sup> The *colonus* of the Romans was a tiller of the soil, as distinguished from the *pastor* or herdsman.—*Tr.*



this class; the slave is a man who has been wounded or disarmed in battle, whom the victor might have killed, according to the barbarous custom of the time, but whom he has preferred to keep in his service. Note well this point in passing; it is to the scourge of war that humanity owes the sore of slavery. Slaves must have been quite numerous, for wars were frequent between the tribes. They fought for a meadow, for a wood, for a spring, for a drove of hogs; they also fought a little for the sake of fighting, because it is probable that from the very beginning they made military courage a point of honor. But along with the slaves we find also the *colons*; the condition of the latter when Cæsar entered Gaul did not differ greatly from that of the slaves.

The existence of this numerous class of *colons* cannot be easily explained. The *colons* owned no land; they worked the land of others for a portion of the crop; they were a kind of *metayer*,<sup>1</sup> or farmer, but they were not free as the *metayers* of to-day are. According to Cæsar they were not at liberty to leave the farm, the master to whom they belonged. It is very probable also that the master had the right of corporal punishment over them as over the slaves.

<sup>1</sup> The *metayer* is a farmer who works on shares.—*Tr.*

How did it happen, in a society where there was so little landed property, where it was, or had but recently been, the custom to redistribute this property in each family at certain periods, how did it happen that there were men compelled to cultivate it for others on hard terms, how had such marked inequalities already arisen? It is not easy to explain it. Different causes capable of bringing about this condition can be imagined; but they will never be more than hypothetical. Nevertheless, it is proper that they should be set forth.

At a certain time the distribution and redistribution of land in a tribe ceased; the result of this must have been that the condition of families with numerous children and a fixed quantity of land would become more wretched than that of smaller families: and here we find the first cause of inequality.

In those times poverty led straight to servitude. There was but little money; there was not enough food for all; a poor man could borrow neither money nor food except upon extremely burdensome terms. He could give no pledge but his liberty, his person. He became therefore the slave or the colon of his creditor. Cæsar says positively that many slaves and colons were insolvent debtors. These facts, moreover, seem to have been common to other

peoples at the origin of society. We know, for example, that the Roman populace, almost to a man, was for a long time kept under subjection to the patricians by this bond of debt. There remains a surprising fact: the borrowers were certainly the most numerous, and the rich, the lenders, were few; how then was it that the former, after having accepted the hard terms proposed to them, had the honesty, or the cowardice, to carry out their contract to the end? There was at that time no public force that could compel the borrowers so to do. How was it that in Gaul the poor did not rise against the rich, as they often did in Rome? It was doubtless because the rich man was at the same time brave and fierce. A man needed to possess those qualities in order to become and to remain rich in those times.

These men, then, were feared; doubtless, too, they hired soldiers, fighting men, by whose aid they kept their debtors in subjection and increased their number. We are too ready to believe, I think, that among uncivilized people, especially among the Gauls, all the men were fighters, fierce warriors. It certainly was then as it is to-day, as it has always been; there were peaceful timid men who feared war and strife. They applied themselves to husbandry, to handicrafts; for the sake of having

a protector they became colons, slaves; they constituted the people; the others, the fierce, the turbulent, the energetic, formed little by little an upper class who took pride in only making war. These were the nobles. The existence of a class of nobles among the Gauls is not, let me tell the reader, an hypothesis. In Cæsar's time there were not only nobles but princes and even kings in certain Gallic tribes.

The princes generally owed their elevation, without doubt, to that energetic and grasping character which during this period was the chief cause of every advancement. Perhaps, too, war created some of the kings. When war is made, a chief is chosen; created such for the occasion only, this chief abuses the power given him, and sometimes the prestige of a victory, to make himself a permanent chief. Other princedoms may have had a different origin. The tribe, the clan, was, as has been said, only a family that had greatly multiplied in time. In certain tribes the family that descended in direct line from the first father, or that was thought to have so descended, must have held a privileged position. It must have enjoyed a sort of admitted supremacy. This supremacy in the hands of a bold, intelligent warrior may have increased gradually and have

become a real power over all the men and even over all the estates.

Let the reader recall in thought all that men honor to-day, all that can distinguish a man, elevate him among his fellows: riches, courage, descent, seniority, eloquence, skill, magnificence, all these things were honored at that time, they all destroyed equality then, and destroyed it even more thoroughly than to-day, because it was in the nature of the coarse uncultured men of that time to push all their advantages to the utmost. There is one thing which seems very probable and which, if proved, would explain the great power of the warriors and the extreme wretchedness of the lower classes, and that is, that the warriors, in each tribe, claimed for themselves the waste lands, the pastures, the meadows, the forests, which formed the greater part of the territory belonging to the tribe. They governed the tribe; they claimed to represent it. It was doubtless on the pretext of managing the public property that they took possession of it. Then the progress of improvement was stayed. It was no longer possible to prepare these usurped lands for cultivation; the nobles raised immense herds, kept bands of herdsmen, while plebeian families, as they still increased, became unable any longer to win a living from their original fields, which

now had grown too small for them; they asked in vain for land, and were reduced to accept their daily bread from the usurping nobles at the price of liberty.

## CHAPTER IV.

### *THE ROMAN RULE.*

When Gaul was conquered by Julius Cæsar, Rome, as every one knows, was the capital of a great aristocratic republic. This form of government hardly lasted after the conquest of the Gauls. Cæsar made use of those whom he had just conquered to bind the conquerors. He made himself emperor in fact, without taking the name; his nephew and adopted son, Augustus, had both the power and the title.

Gaul, henceforth a province of the Roman empire, was ruled by an absolute prince. The baleful principles contained in every government of that kind did not at first make themselves felt in Gaul; on the contrary, the country seemed to gain by it; there was more of order, of police, and of security for men of every class.

An absolute ruler does not like to have his subjects fight among themselves, because in so doing they always destroy property upon which he expects to levy taxes, consequently there were no more of those continual wars in Gaul between

tribes and confederations which had formerly occurred. The Roman peace ruled over this people. With the aid of this peace the Romans did their part as initiators, educators. The Gauls learned, in their school, a great number of arts of which they had previously been ignorant, and in some of them they even learned to excel their teachers. For example, work in metals was done better in Gaul than in any other Roman country; brass of the best quality was made there; they invented the arts of tinning copper, of gilding, of silvering iron. Roads were cut, cities were built, and in these cities they erected temples, circuses, theaters, schools. There were luxury, teaching, eloquence, the arts, in a word, a brilliant civilization. The few Roman structures which still stand upon our soil show a solid, masterly architecture decorated with a sobriety full of taste. Almost all the remains of the industry of that period which have come down to us bear the stamp of elegant simplicity. Unfortunately this civilization could insure the happiness of only the few; the mass of the people, in the country and in the towns, were alike miserable.

The first cause of this universal misery was the unjust distribution of the land. So far as this was concerned, the Roman conquest did not change the previous condition of things.



The princes, the Gallic nobles, were maintained in possession of their dignities and wealth. They were deprived only of their control over the tribes, which was reserved henceforth for the Roman functionaries.

Moreover, that which we have seen happen to the land in Gaul had happened in Italy, in the countries already Roman; a small number of aristocratic families had usurped the greater part of the soil. They shared it only with a few dealers in money enriched by the spoils of the public taxes farmed to them. It was a settled plan among these great proprietors to prevent the cultivation of the cereals except at certain points where the soil was very favorable to their growth, as in Sicily, for example, and to let their immense estates lie fallow, as pasture-land. The plan had more than one advantage. It was much easier for the owner to watch over a few herdsmen and to make them account for their herds than it would have been to direct the much more complicated details of farming. And then, farming required more laborers; it would have been necessary to employ colons and share the crop with them, while on the other hand they could raise cattle with the help of a few slaves, whom they fed badly, and who had no share in the profits. This system, these large estates,

these *latifundia*, as they were called; were the cause why the people of the towns died of hunger. There were no manufactures at that time; the small number of necessary handicrafts were carried on in the towns, by slaves, with funds supplied by their masters. Furthermore, almost all needed articles, shoes, clothing, etc., were made in the houses of those who were well-to-do by their slaves. The poor townsmen therefore could live only by cultivating the soil. Hence they never ceased to ask for land. But these nobles, these enriched partisans, who held it, would not give it up. They preferred to give alms to the poor townspeople, to feed them from day to day, or to lend them money, because by this means they kept them in their power. This condition of Roman society was at bottom the same as that of the Gallic, and this indicates that the system of *latifundia* was easily introduced into Gaul after the conquest. The soil was prepared to receive it.

The two centuries that followed the conquest were, without doubt, very hard for the agricultural class to live through, crowded back as they were by the large land-owners upon a portion of the soil that was too small to furnish them subsistence. We do not know all that they endured; but we can imagine it.

During the third century of our era a revolution took place, an obscure revolution which we divine rather in public works than see clearly. It appears that the system of latifundia was abandoned at that time, and that that of farming upon plots of small size began to prevail. Whence came this change? Perhaps from the lack of slaves. So long as Rome made conquests there were enough slaves. Exhausted by toil the slaves did not long survive under the hand of their masters; neither were they very prolific, and their children were not sufficiently numerous to fill their places; but the newly conquered peoples furnished what was lacking. When the conquests ceased, when the Roman empire, on the contrary, was itself harried by the barbarians, the parts were reversed; it was the barbarians who came to it to get slaves. The Roman proprietors had to abandon the servile system and resort to free or half-free farming. It was at this moment that the class of colons made its appearance, or, to speak more accurately, for it had existed previously, it was at this moment that it began to increase immensely.

The term *colon* was applied at this time to men who cultivated the land of another for a fixed rent, which amounted to a quarter or a half of the crop. The colons, as we see, are a kind of metayer, but metayers in perpetuity.

The owner cannot turn them off, and they, in return, cannot leave the estate. They are treated as freemen, but they are free only as regards the master, and in this sense that they owe him only fixed rents; after all, they are slaves of the land to which they belong, serfs of the glebe, as they were afterwards called. If they ran away the master had the right to bring them back. Some historians have thought that this servitude was created by the emperors, who fixed the laborers to the land by decree. Taken strictly this would be entirely improbable. No government in the world has ever been so absolute as to effect by decree a radical change in the condition of an immense number of people; and in the third century the colons composed the majority of the rural population.

Servitude of the soil was, without doubt, at the beginning, one of the terms of the contract made between the wealthy land-owner and the poor man seeking a farm. This seems almost certain when we reflect that this poor man was doubtless already the client, the debtor (*obæ-ratus*) of the owner, which, according to the Roman custom, was equivalent to being almost his slave. Is it not known that in Rome the creditor had the right to seize his debtor, to imprison him in his house, or to carry him away to his estates in order to pay the debt by labor?

Debtors thus carried off must have furnished the first type, the first idea of the class of colons. When afterwards land-owners leased land to men who owed them nothing, at a time when, moreover, the former laws that were so rigorous to debtors had been abolished, they leased them only upon established and customary terms. The former colons had, as it were, made in advance their contract for the later ones, and had predetermined their destiny.

We must believe, also, that a large number of slaves had been half-freed and raised to the position of colons. The masters found an actual profit in making these concessions; the slaves, whose condition thus became almost that of a metayer, were led thereby to work with more care and industry.

Finally, some of the emperors, after the conquest of certain barbarous peoples, transported whole tribes of them to lands within the empire. They settled them upon vast uncultivated tracts, and, surrounding them with a cordon of troops, kept them by force in the districts assigned to them. Already the rulers of the world were made anxious by the reduction of the population of the empire. Already they began to consider the cultivation of the soil as the first and most pressing business of government. It was upon barbarians, upon conquered peoples, that

they first exercised the power of creating a new class of slaves. This is more easily understood than a similar oppression of freemen. Little by little they extended to the latter the measures applied at first to the uncivilized colons. It came at last to this, that whoever touched the soil became by that fact, in the name of the public weal, the serf of the soil. The same principles, the same arbitrary power, were ultimately carried far beyond the class of husbandmen; the emperors applied them to all conditions, all categories of their subjects, as we shall presently see.

The destruction of the *latifundia*, the establishment of the system of colons might have been far-reaching in their effects, if they had been brought about earlier; but they came at a time when administrative regularity, order, and security had greatly diminished. They had already been obliged in Gaul to accept a considerable number of barbarians as colons, and these barbarians were an active cause of disorder. Then the sudden changes of emperors brought about by military seditions, or by plots, armed contests between the candidates for the throne, were not likely, we may well believe, to promote order. The rich, the powerful, oppressed the poor and the weak more than ever. Finally the taxes were excessive and unequally applied.

There was a great variety of taxes under the Romans. We shall not enumerate them all; it is enough to say that the heaviest burden was laid upon landed property. The land-owners alone paid taxes to the government. The government asked nothing from the colons; but of course the owners required a larger rental from their colons when they themselves had to pay more into the treasury, just as a modern landlord raises the rent of his house to meet an increase in the tax assessed upon it.

The reader can judge, by an example, how excessive the taxation was.

In each city there was a sort of municipal council called the curia. They who owned twenty-five arpents<sup>1</sup> became, by that fact, members of the curia. They could not excuse themselves from it. Under a modern government this position would have been sought; under the Roman government the point was to escape it. The members of the curia administered the affairs of their town and, in addition, collected the tax. When they did not succeed in collecting the whole amount levied by the State, they were obliged to make it up among themselves. And that is what happened always.

The members of the curia, then, bore all the anxieties and cares of property only to find

<sup>1</sup> An arpent is equal to from one to one and a half acres.

themselves without means at the end of the year. They could barely live, and in any case lived with the prospect of being ruined sooner or later. Consequently many of them preferred to give up at once their honors and their property; they moved away to live in some other district, poor and unknown, but the State followed them up. It seized them wherever it could find them, and brought them back to their curule chair. When it failed to find them, it confiscated their property. The Roman government disgusted the rich with their fortune; nothing worse than that can be said against it. It is easy to imagine after that what must have been the condition of the peasants, the colons, the working men.

These peasants, these working men, did not deal directly with the agents of the imperial treasury; but, I repeat it, the land-owners, when levied upon by the State, levied in turn upon the colons. Colons and peasants had the prospect, if they worked, of escaping starvation. Matters were so arranged that they could not become rich. Consequently they labored to obtain only so much as was necessary for subsistence. That always follows when the profits of labor do not fall to the laborer. The Roman treasury discouraged men from labor as it disgusted them with wealth.



The more energetic colons did better; they fled, they went to live in the still very extensive forests of Gaul. There they returned to the mode of life of the first of mankind, who subsisted on wild fruits, on fish, and the product of the chase. These deserters, who were called Bagaudes, pillaged, when the opportunity offered, the members of that world with which they had broken. They were sometimes sufficiently numerous to capture and sack cities. The *Bagaudie* lasted as long as the empire.

The ranks of the laborers growing thinner each day in consequence of these desertions, the tax weighed all the more heavily upon those who remained. Misery, as usual, gave rise to a swarm of diseases; the people were short-lived, marriages were few, and they had as few children as possible in order not to breed the unfortunate. Besides, when a family reached a certain size the children died through lack of care. The population steadily decreased; each generation was weaker, feebler, and more languishing than its predecessor.

When men have nothing to hope for in life but to keep alive by constant toil, they live as if dying. So it was at that time, and so it was again, many a time, under the rule of the early kings of France.

## CHAPTER V.

### *SKILLED LABOR UNDER THE ROMANS.*

At the end of the empire, the slaves having become fewer, there were more workmen, free handicraftsmen, in the cities; nevertheless, it must not be thought that they were very numerous.

Generally, artisans of the same craft were combined in corporations. The artisan could not have lived alone; competition would have killed him; the system of liberty in labor was too strong for the poor and feeble industries of that time.

These corporations were licensed by the government, and without such license they could not be created. Their existence was made wretched by the same causes which gave rise to the misery of the husbandmen. Consequently, the disquiet among the artisans was extreme, there was a constant tendency to leave the trade, to go elsewhere in search of a more suitable condition, and to try another lot.

This disquiet, too, was universal: every class,

every individual was affected by it; it was the restlessness of the sick man who is determined to leave the bed where he feels he is dying. But the government did not permit change. It had a greater need than ever of soldiers and taxes; it needed that the levies of men and money should be made easily and promptly. Nor did it have at its command an administrative service as large or as well organized as those of modern governments. Besides, the economic circumstances of the time, the lack of coined money, the scarcity of roads, the still numerous forests and wastes hampered the agents greatly. The government sought a remedy in extreme measures; it extended to all classes the law relating to the colons. It tied the workmen to their trades, the councillors to the council (*curia*), the soldiers to their legions, and even the senators to their positions as such. The son was everywhere compelled to take his father's place, to succeed to his duties. The world was immobilized by law. That shows how seriously the empire was diseased.

## CHAPTER VI.

### *THE CONQUEST BY THE EASTERN BARBARIANS—THE MEROVINGIAN RULE.*

France, as every one knows, occupies the western corner of Europe; Spain, Italy, and Greece the southern part. At the time of which we are speaking, Italy, Spain, Greece, and France, provinces of the Roman empire, were civilized. But in those regions which are now Germany, Denmark, Sweden, Russia, throughout this vast central Europe, barbarism prevailed.

We have already spoken of the Germans, those barbarians who inhabited Germany, the nearest neighbors of the Gallo-Romans. These peoples, broken up, as the Gauls had formerly been, into tribes and confederations and halting at nearly the same stage of development at which we found the first Gauls, were constantly at war with one another, tribe with tribe, confederation with confederation, just as the Gauls were before the conquest. But they were only too willing to exercise this warlike passion against their neighbors.

Every people which draws its subsistence mainly from flocks, as the Germans did at that time, and as the Gauls had formerly done, finds it needful from time to time to quit the region in which it has settled, to emigrate in a body, and settle down in some other region that seems better fitted for it. This is a natural taste and at the same time an economic necessity among barbarian or pastoral peoples, who, at bottom, are the same. Poverty forced these migrations upon the Germans. When a tribe had grown too large, the young people had to form themselves into bands under the leadership of a chief, and seek a settlement for themselves afar off, thus relieving the tribe of the excessive drain upon its supplies which would otherwise have soon caused a famine.

The German barbarians would have chosen the provinces of the Roman Empire for these migrations, first because their climate was generally warmer and milder, and secondly because well-cultivated fields, orchards, and vineyards were to be found there; wine was to be had there, a great temptation for all savages; gold was to be had, silver, valuable household articles, fine arms and goods. The barbarians knew that perfectly well, and, doubtless, they even exaggerated the splendors of the Roman cities; the Empire, then, lay like a prey always spread

out before the barbarian world, so much vaster, so much more extensive than it.

The barbarians, I repeat, would have chosen to migrate into the Roman provinces, and the Germans especially would have gone into the provinces of Gaul, from which they were separated only by the Rhine. But we can imagine that the Romans did not care to receive their visit; they repelled these plunderers with all possible energy, from the moment their bands appeared upon the frontier.

The position was nevertheless a dangerous one for the Roman provinces. This flood of barbarians was always there at the gates, ready to force them whenever the Roman energy or skill should be relaxed.

The Romans at first thought to protect themselves better by taking the offensive; they sought the barbarians in their own homes, determined to civilize them by force. They thought these shifting peoples, always on the move, would become fixed, would settle down, if once civilized; the danger of migrations would thus be removed. At first they were victorious. The Roman legions were able several times to march all across Germany without meeting with resistance; but, after remaining for a time apparently crushed, the Germans always rose again, and, taking the Roman troops by sur-

prise, inflicted upon them some bloody defeat. The idea of civilizing Germany had to be given up.

The Roman government tried another plan. It settled a certain number of barbarians on its own side of the Rhine, on the frontiers menaced by the others; it gave them lands in the hope that, if once settled and at home there, they would find it to their interest to oppose incursions which could be made only by passing over them. The plan was successful; nevertheless, they did not neglect to draw up, behind this front rampart of barbarian colonies, an army which remained there, permanently, for centuries, a hundred thousand strong at least. It is plain that the Romans did not shut their eyes to the danger.

It was even greater than they could fathom, for behind Germany, afar off, and even to the center of Asia, a hundred barbarian peoples were in constant agitation. In the fifth century, in consequence of occurrences that are not well understood, a vast and very warlike people of Asia, the Huns, burst into Europe; they drove before them the first German nations they met; these drove the others; it was like an enormous thrust, and it took place just at the moment when the empire was weakening everywhere, when discipline, valor, military skill had sunk

to the lowest point. The defenses of the empire gave way and were carried at all points. Sixty thousand Burgundians established themselves in the Jura, in the valleys of the Saône and the Durance (from 406 to 411), all around Lyons; two or three hundred thousand Visigoths occupied the Southern part with Toulouse as the capital and residence of their kings (412 to 450). After them came other bands belonging to divers tribes; less numerous but more savage, they swept across Gaul like a torrent. The Franks, entering at the north, spread as far as Soissons, and afterwards to Paris (481 to 500).

The Burgundians and Visigoths, already Christians and a little less barbarian, took possession quite systematically of two-thirds of the land and one-third of the slaves. The Franks took everywhere such land as suited them, after having pillaged it all indiscriminately. It is easy to imagine what this invasion must have been at the hands of fierce cruel warriors whose greed was unbridled. When the Franks had become titular masters in the north, the Visigoths in the south, and the Burgundians in the east, the Gauls, pillaged and despoiled, might have believed that they were at least to be left undisturbed in the future; if such was their hope they were disappointed. The Franks became converted to catholicism and, assured thence-



forth of the support of the clergy throughout France, they planned to take the rest of Gaul away from the other barbarians.

It is necessary to explain the object which the Frankish soldiers and their leader, Clovis, had in making this conquest. In the first place, leaders and soldiers sought conquest for the sake of plunder; to that extent their aims were the same. But the leader had, in addition, political motives of a somewhat higher order; he counted upon getting possession in due course of the property that had belonged to the imperial treasury, for the barbarian kings were looked upon as the successors to the imperial power, and thus he would have additional lands to bestow. As his soldiers were already provided for, in this respect, he would distribute these lands among new soldiers brought from the other side of the Rhine, and in this way he would place himself at the head of a larger number of adherents or vassals, *leudes*,<sup>1</sup> and increase both his power and his splendor. Such was the character of the ambition of a barbarian king; but he must not be credited with political ideas or with the love of power for its own sake.

Let me add a few words concerning the kind of control which these kings had over their barbarian soldiers. They were not actual kings;

<sup>1</sup> From the German *Leute*, people. }

they were simply captains whom the soldiers obeyed, during war, for the sake of discipline, but except at such times there was very little obedience.

So long as they lived in Germany the German warriors had the liberty of choosing from among the chiefs or kings of the different tribes that one under whom they would be willing to carry on war or to go upon an expedition. They were not obliged to serve under the king of their own tribe; they left him if they thought he was not brave or bold enough, and sought another more to their liking. What they wanted was a leader who would put them in the way of winning victories and booty, the prize of victory. They retained in Gaul, for a long time, this spirit of independence and these habits.

When the Franks entered Gaul they were divided into two great confederations, and into a number of tribes; they had several kings, we do not know exactly how many. There was an opportunity then for the warriors to choose, to leave one leader and attach themselves to another. There was a rivalry, besides, among the chiefs, as to which should keep his own warriors, and win over those of his neighbors. I have already shown how they were won over; it was by making war, by winning plunder and land for the soldiers, and for themselves that

they might distribute them afterward. I beg the reader to notice this last point; he will see results of extreme importance soon follow from it.

Clovis, who has just been mentioned, and who, in fact, was the first king of France, excelled in gathering about himself the warriors of all the Frankish tribes; he made war upon the Visigoths and the Burgundians in order to satisfy his little army and, as I have already said, to make it larger by inducing warriors from beyond the Rhine to come and seek fortune under him. He conquered the Burgundians and destroyed the kingdom of the Visigoths. He increased his power thereby so much that he overshadowed completely the other small Frankish kings, and, after having isolated them, in a manner, by taking away their soldiers, he was able with impunity to have them assassinated one after the other, or to kill them treacherously with his own hand. Thus, he became the only chief of the Franks and the Visigoths.

If he had had but one successor after his death, Gaul would have been more tranquil and would not have been desolated by war, as was the case; but he left several sons, who divided the country among themselves, and again emulation arose among these kings as to who should have the most warriors, and, consequently, who should engage in the most wars: wars against

the Burgundians, whose kingdom they finally destroyed; wars against the tribes in Aquitania, against the Gascons; against the Bretons, who were almost independent, notwithstanding the nominal sovereignty of the Franks; and, lastly, wars among themselves. The only causes of all these wars were those which we have seen: on the part of the simple warriors, the lust of pillage and of land; on the part of the chief, the lust of pillage and of land, but with a certain political idea beside, which consisted in keeping for himself only a part of the land and distributing the rest among the soldiers. I insist, as you see, upon this point. I return to it often, for its consequences were of prime importance.

## CHAPTER VII.

### *THE JUDICIAL CUSTOMS OF THE GERMAN BARBARIANS— LAWS BECOME TERRITORIAL INSTEAD OF TRIBAL.*

Nothing is more important in a nation, nothing marks with greater precision the degree of civilization which has been reached, than its judicial system. For this reason alone, it would be interesting to know how justice was administered among the German barbarians; but, aside from this, the judicial organization of the barbarians, or, to speak more accurately, the absence of any real organization among them, has exerted the most important influence upon our destiny.)

When any social organization is beginning to form, before public authority exists and can charge itself with the punishment of crime, it falls upon each man to protect himself, or to so avenge himself as to make the offender afraid to repeat the offense. In this state of affairs the isolated man is very weak; he feels the need of drawing the family ties close. When one of the members of the family is injured, all make it their business to avenge him. Then

the aggressor's family take his part, and thus a war or feud is set up between the two. This quarrel necessarily disturbs the public peace and threatens the safety of the neighbors. The idea naturally suggests itself to the latter to put a stop to wars of this kind by interposing, by conciliating the foes. This is not an hypothesis, it is a necessary sequence of facts. Besides, we know that it was a well-established custom among the Germans, for some time before their settlement in Gaul, to summon the two parties before a tribunal composed of the fathers of the tribe. There the murderer denied or acknowledged the crime. If he denied it, they sought to convict him; they seldom used witnesses for the purpose, because a well-organized public authority is needed to seek out and bring witnesses before a tribunal, to compare their testimony, to test their truthfulness, etc. They oftener made use of various *trials* to which the accused was subjected. He had to thrust his arm into boiling water and withdraw some object from it without being scalded: this was the trial by boiling-water; or he had to cross a pan of burning coals, the trial by fire; or, having been thrown into the water with his arms tied, he had to sink to the bottom, which was not so difficult (it was thought that water

would reject the guilty with horror), the trial by water; or, finally, he had to fight with his adversary (accuser), and it was believed that he would certainly be the victor, if innocent; this trial is what was afterwards called the judicial duel. Ordinarily, however, they trusted to the oaths of the accused and his family. Sometimes he brought with him as many as a hundred persons to swear that he was innocent. It must be remembered that all this was not addressed simply to the judges; it was necessary to win over, not the judges, but the plaintiffs. They had to be convinced that they ought to renounce the pursuit of vengeance. The judges simply presided over the proceedings.

If the complainant persisted in thinking, notwithstanding the testimony or the denials, the trials or the oaths, that the accused was guilty, he retained the right to avenge himself, to carry on the feud; and the judges had then accomplished nothing. If, on the other hand, the accused was convicted, or if he confessed, the position of the judges became more serious; they had then to determine what reparation should be made. They said to the complainant, for example, "One of your slaves, of such an age and such a sex, has been killed. The accused must make the loss good by paying you so much."

But the complainant might refuse to accept, and prefer to fight; and the accused, too, might say: "I will not pay. I shall fight." Justice, under such conditions, was only an attempt to conciliate. Its only function was to estimate the indemnity for the loss suffered. This indemnity was called the *weregild*. There was no other penalty than the weregild, no corporal punishment, no imprisonment, at least among the Franks, but among the Burgundians and Visigoths certain corporal penalties were inflicted. Such were the institutions which the barbarians brought into Gaul.

It must not be supposed, however, that they imposed their judicial customs upon those they had conquered. The Gallo-Romans continued to be ruled by their own laws, to be judged in accordance with the forms of Roman justice. Each barbarian nation even retained its own laws; there was the law of the Visigoths, the law of the Franks, the Burgundian law. The law was personal, and this lasted until the eighth century. Then a great change took place, the completion of which required a period of time whose length is not fully known, fifty or one hundred years.

When it was completed, France was found divided into a certain number of larger or smaller districts, each having its law, its customs which



applied to all the inhabitants, and even to strangers who were passing through, without distinction of nationality. The law had become *territorial*. One is struck, astonished at first, by so complete a change. A moment's reflection makes it clear. When the various tribes of barbarians settled in Gaul they were sufficiently distinguished from each other and very markedly from the Romans, by their external appearance and their language. As time passed, these differences disappeared. They married Gallo-Roman women, and their children did not show the type, the physiognomy of their race; their manners and customs became those of the Gallo-Romans; they even forgot their own language and spoke that of the conquered nation. How would it have been possible, at the end of the tenth century, to apply to one man the Frankish law and to another the law of the Visigoths; neither Franks, Visigoths, nor Burgundians were recognizable any longer; and so the explanation of this great change appears very simple. Indeed, it was inevitable.

A change of very different importance was attempted, and, unfortunately, not accomplished. The kings, acting on the advice of the clergy, and in accordance with juster views to which they had been brought, tried to compel the convicted criminal to pay the weregild and the

complainant to accept it. If the kings had been obeyed, the innumerable private wars would have ceased and this distracted society would have suddenly found itself at peace; but the kings were not obeyed. Charlemagne barely compelled a moderate yielding to his commands, and under his successors private wars became more frequent and more general than ever. We shall see the result presently.

## CHAPTER VIII.

### CONDITIONAL GRANTS OF LAND BY KINGS AND CAPTAINS TO THEIR SUBORDINATES—BENEFICES AND BENEFICIARIES.

I must now explain the result hoped for by the kings from the distributions of land of which I spoke.

In the first place, we must distinguish between the lands which the kings distributed, and those which the soldiers received immediately after a victory, and which, in the language of the time, were called *sortes* or *alleux*.<sup>1</sup> *Sortes*, things, that is, acquired by lot (*sors*). After they had plundered a place they collected all the portable objects that had been taken, and divided them up into as many portions as there were soldiers, or, perhaps, only captains, and then distributed these portions by lot; in

<sup>1</sup> Littré, who makes the plural *alleus*, says a plausible derivation of this word has been suggested from the Latin *ad* and the German *lod* or *loos*, a lot, the same as in the English word *allot*, but he is convinced that its actual origin is from the German *all* and *od*, property, with the meaning of complete, entire possession. The radical *od* is still preserved in Swedish. Cf. Kleinod.—*Tr.*

same manner they made a sort of list of the lands that could be taken from the conquered people and distributed them by lot. The king's share in the movable booty was scarcely larger than that of the other captains; but his share of the land consisted of all that had previously belonged to the Roman treasury. Now, the Roman treasury owned everywhere large tracts of land, and the landed plunder of the king therefore was large. It must be remembered that when the captain or soldier received his share of the booty, or his land, he did not consider himself placed under any obligation to the chief; in his view, the land, or the booty was a perquisite of the war, a profit for which he was indebted only to his own courage and over which the chief could claim no right of sovereignty.


As to the lands which the king took from his own share and gave away, it was different; they were called, in the language of the Gallo-Romans, *bénéfices*.<sup>1</sup> Naturally, the kings did not give them away for nothing or without conditions. From the soldiers to whom they gave them they exacted promises, general oaths of fidelity, of obedience; often, indeed, they made

<sup>1</sup> Benefice, which in English is now appropriated to church livings, was originally the exact equivalent of *bénéfice*, and will be here used as such.—*Tr.*

more precise stipulations, that the beneficiaries, for example, should come to court at certain times, to aid in trying causes and settling disputes, should give help in case of war, and should pay certain rents. It might seem that such obligations would naturally devolve upon a subject, and that the king would not need to buy them; but this would be to judge the situation in accordance with modern ideas. It must be remembered that the Germans did not recognize kings as such, and had no conception politically of anything but the radical independence of the individual.

The conditional grants made by the kings were imitated by the captains who had received large estates; they wished, in their turn, to have adherents, supporters, soldiers. They granted benefices on the same terms that the king did. It must not be forgotten that in the judicial system of the Franks each man believed he had the right to make war upon his private enemies, to avenge an injury, to indemnify himself with his own hands for a loss sustained; that explains why every rich or powerful man had to plan to have soldiers about him.

Let us now see what were the consequences of this system. The Frankish kings had ravaged Gaul with cruel wars in order to obtain land that they could convert into benefices.



Once created, these benefices became a new and permanent source of wars; wars between the kings and the holders of their benefices, between the other leaders and their beneficiaries. Why these wars? We shall see.

The benefices were usually granted for life only; it was understood when they were given that they would return to the giver on the death of the beneficiary. Indeed, that was positively agreed upon in most cases. But integrity and respect for promises were not exactly the virtues of these barbarians. The beneficiaries wished to evade the obligation to restore; they often even claimed the right to keep both the property and their independence as if they were still in the forests of Germany, to throw off their engagements. On the other side, the kings, the patrons, claimed the right to dispossess the beneficiaries, whenever they saw fit, to give, and then to take back in order to give to others, according as it suited their interests or the caprice of the moment.

Amid these wars, among these unjust and violent men, made still harder by war, there was no appeal except to force. The Frankish warrior himself was never certain that he would not be treated as a Gallo-Roman, or a slave, by his former companions now leagued against him. He dared not live alone in this world that was so

constantly overturned; he joined some league, some association of warriors that he might be sure of help at need. But the means most used to obtain support was to *recommend* oneself to some chief, the owner of much land and captain of many soldiers. The recommendation consisted in making over one's property, his *alleu*, to the chief and then receiving it back from him as a benefice, as if it had originally been his.

Soon there was almost no *alleu* left, no land held independently; there were only the benefices; the lesser warriors had all recommended themselves to certain chiefs, and these in turn had recommended themselves to other more powerful chiefs or to the king.

The opportunities, the causes of war increased with the number of the benefices. One can imagine the lot of the peasants, the serfs, under all these pitiless hammers. We shall return to that presently.

## CHAPTER IX.

### *THE STRUGGLE TO ESTABLISH HEREDITABILITY OF LAND AND OFFICES—THE RISE OF THE FEUDAL SYSTEM.*

While the beneficiaries were struggling to make their benefices hereditary and advancing daily toward this end in spite of the opposition of the kings and patrons, the public functionaries were also seeking to make their positions hereditary.

Limited as was the rule of the Frankish kings they had nevertheless created *dukes, counts, centurions*, and *dixainiers*,<sup>1</sup> who were placed in charge of territorial divisions differing very greatly in importance; these officers presided at the meetings of the freemen of the district, the *mallum* or assizes of the Franks; they transmitted the summons of the king for soldiers; they commanded the troops. Naturally, at first, these officers could be removed by the king at will, but they began at once to attempt to make their tenure permanent and to transmit the position to their children. They succeeded at

<sup>1</sup> From *dix*, ten. They were charged with the government of small sections of the city.—*Tr.*



the same time that the beneficiaries did in their attempt; let us explain the causes of their success.

The Roman emperors had often rewarded the zeal and devotion of their agents by allowing them to make use of the privileges of government for themselves and their own profit. They gave, for example, to one the whole or a part of the tax which it was his business to collect, or they allowed him to exact for himself, for his estates, the personal services due from the subjects to the estates of the treasury, to the government messengers, to the legions, etc. These grants were called honors, *honores*. At other times these favors were granted to private individuals, to large land-owners; to them the emperors gave *immunities*, that is to say, they made them a present of the taxes to be levied upon their own colons or farmers. The colons, the farmers, were, of course, obliged to pay, all the same; but instead of paying to the treasury they paid to the land-owner under the orders of the agents of the treasury, or the latter handed over the money to the land-owner after they had collected it. At other times, again, the emperors gave the fines which the judges had imposed as penalties either to the judges or to others.

As soon as the barbarian kings had settled



themselves in the conquered country they strove to maintain all the worthy traditions of the imperial system, to levy all the taxes, all the tolls and rents invented by the Romans. We shall see in a moment how far they succeeded against the Frankish warriors, their compatriots. It is certain that if the latter paid taxes only very irregularly, the Gallo-Romans were not so fortunate. On the one hand they were regularly taxed in accordance with the previous legal custom, on the other they were plundered by virtue of the right of conquest. The Frankish kings, following the example of the emperors, granted immunities and honors. The granting of an immunity was a measure of almost general application to all estates belonging to churches and monasteries. As these estates were quite numerous, and became more so every day, the kings lost, by this cause alone, a good part of their revenue.


The immunities granted to the large Frankish land-owners, the "honors" made over to the officials, multiplied as time passed. The same need and the same hope of attaching warriors to them, which had led the kings to give away land, led them also to be liberal with regard to the taxes. It was a vicious circle; the kings made themselves poorer by so doing; they grew weaker, were less able to prevent disobedience, and were

forced to make new concessions. And besides, it furnished an example which the other Frankish warriors and officials were only too well disposed to follow.

Every official, seeing about him men who were allowed to retain revenues that formerly went to the government, claimed the right to do the same. Beside land-owners in legal possession of immunities, or honors, were found many others who had seized the same privileges for themselves. A general tendency showed itself to seize upon all the rents, all the services due from the Gallo-Romans to the kings as the successors of the Roman treasury; thus, for example, the counts, the dizainiers soon kept for themselves the whole or a portion of the judicial fines.

This resulted, finally, in limiting the revenue of kings to that of the lands which they had kept in their own possession; the penury to which they were reduced, or to which they had reduced themselves by their own improvidence, made still greater and more radical usurpations possible.

Coined money, as we have seen, was very scarce, scarcer even than under the Roman rule. The emperors themselves had been forced to pay their officials, presidents, consuls, governors of the provinces, etc., partly in commodities.



Under the rule of the barbarian kings, it became the custom to attach to every office a larger or smaller estate, the enjoyment of which became the office-holder's pay for his labor. The custom was so general, and the method was considered so convenient that the slightest services, if continuous,—for example, those of an overseer of a farm,—were rarely paid for in any other way.

Now, it is natural that possession of land or houses should be hereditary; the human mind, the human conscience, do not admit that this possession should be only for life. A man has cultivated the soil of an estate; he has improved it; he has made repairs, betterments; he has lived on it long; his children were born and have grown up on it. The involuntary sentiment of the public is, that this man has made this property his own, because he has put into it something of himself which cannot now be separated from it.

Whenever an office-holder died and the king put a stranger in his place, it became necessary to dispossess the family of the first from the land belonging to the office. Each time, too, this caused serious difficulties. The family thought itself wronged and uttered cries and protestations which the public willingly echoed. Sometimes resistance was made and force had

to be used, the effect of which was most unpleasant. This could not last. One of two plans had to be adopted: either the duties should be separated from the estates, which was impossible, because there would then be no means of paying for them, or the duty should go with the estate by inheritance as is most natural to it.

The latter alternative was the one taken; it could not be otherwise.

Usurpation, however, was not the only cause of the establishment of the feudal system. The kings often confirmed the encroachments of the officials. Often, too, they took the initiative and gave up voluntarily more or less of their powers either to their officials or to private persons.

The day when the inheritance of benefices and of public functions was admitted without contest, that political organization which is called *feudality* was founded.

Feudality lasted almost without change for five centuries, and France preserved portions of it very much longer, until the Revolution. It was important to make its origin clear.

It was in the year 877 that inheritance of functions was recognized by the king, Charles the Bald, grandson of Charlemagne. Inheritance of the benefices became general at the same time; *feudality* thus dates from the end of

the ninth century. About three hundred and sixty years had passed since the death of Clovis. The essential work of these three and a half centuries consisted solely in the establishment of this system. Whoever understands what I have thus far said knows the groundwork of this period; the battles, the murders, the striking misfortunes of kings and princes that occurred during it are only the outer side of the history, a history, moreover, that is obscure and complicated by a mass of dramatic incidents.

## CHAPTER X.

*DEGRADATION OF THE PEOPLE—DISAPPEARANCE OF FREE-  
MEN—ACQUISITION OF THE LAND BY THE SEIGNEURS  
AND WARRIORS—MERGING OF SLAVERY IN THE  
COLONATE—SERFS.*

Still, inheritance of the benefices and functions is not all; there was something more in feudality that remains to be told. But in order that this aspect of feudality may be fully understood the situation of the country-people from the fifth to the ninth century must first be explained.

At the coming of the barbarians, the rural population, the reader will remember, was divided into two main classes; slaves and colons, of which the latter were far the more numerous. The reader will remember also the differences existing between the condition of the colon and that of the slave. The first effect of the profound trouble, of the infinite disorders and violences which followed the conquest by the barbarians and afterwards the wars of the Merovingian and Carlovingian kings, was to increase greatly the class of slaves. The Frankish warriors never made an expedition without bringing home co-

lons and freemen captured in the districts through which they had passed.

These were prisoners of war; they treated them, consequently, without any consideration, reducing them to the lowest condition, that of slaves. Admitting the barbarism of the conquerors, there is nothing in the wretchedness of the conquered that should cause surprise. So, a great number of colons descended one step in the scale, and a great number of freemen too.

We have said that there was no police,—no security. If the Frankish warrior could not protect himself alone against the violence that threatened him on every side, how could the simple freeman of Gallo-Roman origin do so. The central government, the royal power, which represented very poorly what we now call the *State*, could do nothing for him. What then did he do to procure for himself a little of this security which was lacking everywhere? He put himself under the protection, under the *mainbournie*, as they said, of the neighboring warrior or seigneur, or, which amounted to the same thing, under that of the nearest convent having soldiers in its pay. The seigneur, naturally, did not accept this position of protector without requiring a return. The freeman made over his land to the seigneur, and the seigneur



gave it back to him as a present, but with the condition that he should pay an annual charge, *cens*. Even this was not the worst that could befall the freeman. The seigneur very often imposed upon him the condition that he should hold his land, not as a freeman paying a *cens*, but as a colon and with all the obligations attached to that condition; and in this way a great number of freemen descended to the rank of colons.

The barbarian warriors, who held sway tumultuously in the country, were not of a kind to recognize, and especially to pay much regard to the original grades among the men whom they had found settled upon their estates or farming at liberty in the neighborhood. They were always disposed to treat them all with equal violence, in an equally despotic spirit, exacting from each, not what was legally due according to his rank, but what it suited them to exact. Under masters who were uncontrolled many colons became slaves, many freemen became colons or even slaves upon the same land and in the same places where they had previously held higher rank.

Public and private wars, with their train of fire and slaughter, came every moment to overturn the people. Crowds of men were, so to speak, torn from the ground and displaced, scat-

tered like dust. These fugitives did not have to seek to take money with them, no one had any at that time; after the morrow of their flight they died of hunger. They could not find work at their trades, nor could they gain their living as day-laborers. The land was everywhere tilled by colons, a kind of fixed farmer, who left no opportunity for chance labor. It was the colons, too, who carried on the necessary trades in every place. There was, therefore, but one way to gain a living, a man had to get land on any terms or become a servant in the house of a rich man. There was but one thing for our fugitives to do, and that was to ask for land from some seigneur. He gave it to them, if at all, on the most onerous conditions; he was master of the situation. We possess contracts made at that time in which the poor wretch, ruined by one cause or another, submits himself to the control of the seigneur, either as slave or as colon, for the sake of food and clothing. On such terms, under these warriors without conscience, and without humanity, one can imagine what service must have been, either for colon or slave.

The reader sees, that, as the result of all these causes, the class of freemen must have disappeared almost entirely outside the cities. What remained of it we do not know; it is cer-

tain, however, that there remained no free land, that is, land owing tribute to no one, like Iceland to-day. In fact, at the moment when the confusion which had covered this tormented period cleared up, when we become able to see what has taken place under it, we find *there is no longer any land without its lord*; every piece of land is either a benefice, called also *fief*, or a *censive*, land that pays a cens (see p. 61) to a seigneur, according as its owner is a nobleman or a free commoner.

If the disorder of the times tended to the destruction of liberty, it must be said also, on the other hand, that slavery tended towards improvement, to advance somewhat towards liberty, and this was the effect of a trait of character peculiar to the conquering race. The Romans liked to be served in their houses by a multitude of slaves; they employed these slaves in all domestic situations, even in those which placed the servitor upon a footing of necessary intimacy with the master; it was perhaps with his slaves that each master spent most of his time; and this made the rule of the master milder, but it would have perpetuated slavery. The Germans, on the contrary, disliked to be waited on, to be surrounded, by slaves, the objects of their fierce contempt. The Frankish warrior preferred to be served by his

family, by his children, by poor relatives or companions, half domestics, half friends. There was nothing humiliating in their eyes about domestic service. Little by little they banished all the slaves from the house to the farm and farm buildings, and used them only to till the soil. Thus the slave began to resemble the colon by the nature of his duties, by his habits, his manners, and doubtless by his dress. It soon became very difficult to distinguish one from the other, since certainly no exact family register was kept.

By the tenth century slavery had become merged entirely in the colonate, but in a transformed, aggravated colonate which, as it were, was a middle term between slavery and the former colonate. Colons and slaves were blended together in a single class, by far the most numerous, and were known by a common name, that of *serfs*. The reader may ask what was the difference between: 1st, the former *slave* and the *serf* of the middle ages; 2d, between the former *colon* and the *serf*. The clearest and most positive answer that can be given is, that the slave could be sold, torn from his family, his wife, his children, from the place where he had always lived, from his habits, from his trade; that he could see his life entirely broken up and could die to his past completely many times before his actual death,

while the *serf* was attached to the land. If he could not quit it, he could not, on the other hand, be separated from it; he had almost nothing in the way of property, but he had a country and a family (by right, at least, and barring the chances of violence; that must always be understood). He lived in profound misery, but among his own and, in short, in his own house. The colon, too, had been fixed to the land; but it was possible for him to acquire a certain ease in his condition, for the sum he had to pay the master was a fixed one, while the *serf* could generally be made to work at the will of the master. These were the essential differences, in law; for I repeat it, there is always some doubt as to the actual fact. It is impossible to know whether, as a matter of fact, thanks to the rapacity of the Roman treasury, the colon was ever more fortunate than the *serf* of the middle ages.

What has just been said does not apply to the rural population alone. The fate of the people in the villages and towns did not greatly differ from that of the people in the fields; they too descended almost universally into the great class of *serfs*. Instead of being affixed to the soil, they were affixed to the trade; that was the only difference. Only in the large cities did the greater part of the artisans, the workmen, pre-

serve their position as freemen; a position, however, which did not save them from being robbed by the seigneurs and made to work for their profit, shut up either in the neighboring castles or within the city itself, in some well fortified house.

- In some towns, especially in the south, a trace of the ancient curia, a certain form of municipal government, persisted until the political new-birth of the cities in the eleventh century. But it certainly was not these weak governments that preserved the artisans and workmen from serfdom; it would be more correct to say that it was the liberty of the people that saved the government. The people of the cities doubtless owed the preservation of their freedom to that force of resistance which naturally belongs to numbers, to the comparative education which men, when collected together, always acquire by daily contact with each other, and finally to the wealth created by the industries of the city.

## CHAPTER XI.

### *CHANGES IN THE JUDICIAL SYSTEM—THE SEIGNEURS ACQUIRE THE RIGHT TO ADMINISTER JUSTICE.*

It seems certain that the large Roman landowners exercised a certain judicial power over their colons and even over the freemen, their farmers or metayers. We do not know within what limits; that point is still very obscure. The Roman magistrates whose duty it was to administer justice, the presidents, the consular officers, of course disappeared after the conquest by the barbarians. Who took their places?

The barbarians had their mode of administering justice of which we have already spoken. The Frankish warrior was tried, both in civil and in criminal matters, by his companions, his *peers*, assembled under the presidency of the *disainier*, the centurion, the count, or even the king. Was it in tribunals of this kind that the Gallo-Romans were tried? It must be admitted, I think, that every case in which a Frank was interested was tried in them. Probably, too, the victors assumed the right to judge crimes

committed by the conquered, even when the victim was a Gallo-Roman, and thus the Frankish tribunals had to try: 1st, all criminal causes; 2d, civil causes in which one of the parties was of German origin. There remained the civil causes among the conquered, among the Gallo-Romans. By whom were they tried? Also by the counts, dizainiers, etc.; that is nearly certain. But, in affairs of this kind, did the counts themselves render judgment, or did they merely preside over a court composed of Gallo-Romans, peers of the two contestants? That is a question which has not yet been answered; however it may have been, the tribunal of the counts tried only those causes in which the contestants were free Gallo-Romans, those of the colons were taken first before the domestic tribunal of the master or land-owner of which we have spoken.

This state of things could not last. A series of progressive changes took place in the judicial system, following the same direction as all the rest, that is to say, towards the creation of a crowd of small sovereignties, towards the establishment of the feudal system.

What happened can be told in a word,—and we can then describe the way in which it happened. The great land-owner, the seigneur, became finally the sole judge; he took the place of the tribunals of peers assembled under the



presidency of the royal officials. There were no longer any but seigneurial tribunals. The seigneurs at last came into possession of that first prerogative of kings, the administration of justice.

In what way, by what steps, was this brought about? It is clear, that at first every warrior living on his own land made claim to be an absolute master within its limits, to decide alone, without the intervention of any outside authority, the affairs of his colons, because there was a sort of precedent in the judicial power held by the great Roman land-owners, of which we have just spoken briefly. Next, when he had compelled the freemen who lived near him to become dependent upon him, under one title or another, he claimed to be the sole judge over them also. He finally got his claims fully acknowledged at the same period at which on the other side he established the inheritance of his benefices, and for the same reason, namely, because the royal authority had become powerless against seigneurs united by the same claims, the same ambitions.

It remains to be shown how the tribunal of the counts, of the centurions, etc., disappeared in its turn. The Frankish land-owner was bound to others by certain ties of which I have spoken. He was the *vassal* of another, more powerful,

Frank, from whom he had received his benefice, and he himself had vassals to whom he had made grants. Seigneur and vassals together formed a sort of private society, well-marked, very distinct, in the midst of the general society which at that time was so broken up that it seemed as if there was none. It was in conformity with the ideas of the time that these members of the same body should settle their disputes without the intervention of any outside authority, and that is what was done. Each vassal was tried by his fellow vassals, by his peers, under the presidency of the seigneur. This is what some authors call *feudal* justice, as opposed to the *justiciary* justice, to the former public justice administered by the counts. Thus there arose beside the tribunals presided over by the agents of the king, beside the *justiciary* justice, these, as it were graded, seignorial tribunals.

Public justice, as I have said, had been usurped by the functionaries charged with its administration; it fell from the hands of the central power into those of the counts, viscounts, etc. They were seigneurs, owners of fiefs, members of the feudal body, and as they were already, for the most part, in possession as such of a feudal judicial authority, they exercised both authorities in the same manner, with the same judges.

The consequence soon was that, through the singleness of this tribunal, the distinction was lost between the powers that were derived from different sources. Public justice thus disappeared in feudal justice.

The slow revolution which brought about the establishment of feudality was, I believe, inevitable.

Picture to yourself these Frankish warriors coming into Gaul, with their habits and instincts of fierce independence, under the leadership of a chief who, after all, is only their equal, who is not at all a king. They find, it is true, among the people whom they have conquered the recollection and the idea of a central power dominating all private wills, the recollection of an emperor in whose name the tax was levied, justice was done, etc.; but, naturally, these recollections, these ideas do not accord with their tastes at all; they have no desire to give themselves a similar master. It is also true that their chief, their king, feels differently about it; he would like well enough to reproduce the Roman empire for his own advantage, but the means to do it are entirely lacking.

Evidently Clovis dreamed of making himself king according to the Gallo-Roman conception of royalty, and, thanks to his exceptionally energetic character, to his military talents, to his cunning, he became as powerful as was possible

in his time. But his successors, not having the same resources in themselves, ought to have been and were much less obeyed. Under them royalty retrograded. Note well that they lacked the instruments with which to carve out, at the expense of their followers, a sovereignty either of the ancient or the modern kind. There was only one way by which they could have overcome the independence of the Franks: by forming an army out of the conquered people, and mastering their companions with the aid of the Gallo-Romans; a dangerous plan, for the Gallo-Roman army might in turn have driven them out. The idea even could not have occurred to these barbarians, filled, as they were, with contempt for the conquered race.

It is known that the descendants of Clovis, the Merovingian Kings, so called from the first known chief of their family, Mérovée, were deposed from the throne by a revolution which I shall not describe, its causes being rather superficial or obscure, and were succeeded by a new family, by the kings called Carlovingians (from *Carolus*, Charles, Charlemagne or Charles the Great, who was the most prominent king of this family). The relations of the king with the Frankish warriors did not change under the Carlovingians, the warriors tending towards absolute independence, the kings, on the contrary,

tending to lessen their independence. Charlemagne succeeded in creating a vast empire, which included Gaul, Germany, part of Italy, and part of Spain. He succeeded especially in making himself obeyed, in Gaul, by the leudes (see p. 37), as no other barbarian king ever was. Thus, under him justice was administered actually in his name; his call to war was always heard and listened to; the executive measures which he planned were often carried out everywhere; but that was all because he had a strong and persistent will, military skill and courage before which his leudes bowed, eloquence, in a word, a kind of genius; his success was the result purely of his personal valor. His successors, not having his genius, found they had nothing by which to establish their power.

The essential part of the political history down to the ninth century can be summarized thus: the feudal system was established; it was the necessary sequel; it was only delayed a moment by the genius of Charlemagne. We cannot here narrate the catastrophes which broke up Charlemagne's empire and made six or seven kingdoms out of the fragments; the dimensions of this little book will not permit it.

## CHAPTER XII.

### *THE WORKING OF THE FEUDAL SYSTEM—PRIVATE WARS AND DISPUTES BETWEEN SEIGNEURS.*

We have now to see the feudal system at work.

The ninth and eleventh centuries were the choice period of *private wars*. The reader knows already that private wars were wars waged between one seigneur and another.

It must be constantly repeated that the seigneurs were like so many kings; they carried on war as kings still do it, but much more frequently. It was rare for any one of these miniature kings to be at peace with all his neighbors.

To-day, when war is made, it is generally confined to the frontiers of the two belligerents. There, within a larger or smaller area, but there alone, it displays its horrors and scatters destruction. On the two sides of this strip the two great countries continue, although at war, to live and to work in security. At the time of which we are speaking, the result of the division of the land into an infinite number of small states was to bring every place upon the frontier or within

a step of it. As soon as the little state, the seigniory, went to war, there was not an inch of its territory that was protected from the enemy; now as all these small states were almost constantly at war, it may be said that at that period war almost always existed everywhere.

Why were the seigneurs so constantly at war? It was because there were no real tribunals to settle their disputes. What would happen to-day if there were no judges to decide between men who were at odds, no officers to carry out the sentences of the judges? Every one would try to right himself. That is just what the seigneurs did. And, as they were kings, as they had subjects, and as, naturally, they forced these subjects to second them in their quarrels, every dispute between two seigneurs ended in war. Notice that disputes between kings still end in this way and for the same reason, because there is no tribunal where they can be tried.

Every dispute, therefore, which, if between two citizens, to-day, would give rise to a suit at law, gave rise at that time, if between two seigneurs, to a war. Add further that the seigneurs of that period were infinitely more violent, more greedy, more dishonest than the men of to-day; consequently the occasions for quarrelling were infinitely more frequent.

I said there were no real tribunals to settle disputes between the seigneurs; let the reader judge whether it was so.

We have seen how a question arising between two seigneurs was tried, at the end of the ninth century. During the next two centuries no change took place in this respect. If two seigneurs disagreed they had to appear before other seigneurs, their peers, vassals of the same suzerain. But here is at once a difficulty. What forces the suzerain to try the cause submitted to him? Nothing. This judge is subject to no one, no one can compel him to do justice, and it often happens that he is not inclined to try the cause; the reason will appear in a moment. Nor does any one or any thing oblige the suzerain to act impartially in the matter. There is no superior above him to whom he is responsible, no conscience within to restrain him. And this would be so, even if he had no interest in the matter, if he did not know the parties; but, in fact he knows them only too well, they are his vassals, the people with whom he has the most dealings, and dealings of the most importance. It is his interest to favor the one who is most devoted to him, or who supplies to his little empire the most soldiers. Notice, that although he is only the president, there is a very easy way by which he can have the



matter decided as he wishes. It is he who calls the peers together; he can select among these peers those who are entirely devoted to him. The plan is all the more sure, because the peers who have not been called will certainly make no protest; they are not anxious to go away from home, to leave their castles, their families, in order to try a cause and make for themselves enemies of the parties who lose it. It will presently appear how thankless was this office of judge, and what strange pleaders these seigneurs of the middle ages were. Indeed, it was agreed, because of the ill-will it provoked against the peers, that a few of them would be enough to form a tribunal; two were enough in some provinces. It was not difficult for the suzerain to find two men entirely devoted to him. When the seigneur did not insist upon the presence of his own men, not having an injustice to commit, it often happened that the two or three peers called for did not come. And even when they did come, one of the contestants, or both, might be absent. In the first place, they had no confidence in the justice of the judges, and it must be admitted that there was reason for their distrust; every one shared it; then, an absurd kind of pride ruled among the seigneurs which made it repugnant to them to submit themselves to the judgment of any man, whoever he might be.

At heart, every baron prided himself upon being amenable only to God. And then, too, they well knew that the case would come to a test or to the judgment of God, that is to say, to a duel. We have already touched upon this point. It was so difficult at that time to bring the witnesses together, and especially to make them tell the truth, and the judges were so unskilled, so little accustomed to pick out truth from this contradictory testimony that they resorted almost always to these alleged means of discovering it. Now, the tests were not agreeable to the seigneurs, and the duel still less so. They preferred to make war. If the one who was beaten in the judicial duel was not killed on the spot, he was put to death by order of the judges or fined as they saw fit. War was not so dangerous; it even had advantages, as I shall show presently.

If, by chance, the peers had come together, and the parties had appeared before them, and judgment had been given without tests, without a duel, nevertheless all was not yet at an end, there remained the execution of the judgment. It was very rare for the loser to submit with a good grace to the sentence of the judges, especially, as one may suppose, in grave cases, when the question was of life or liberty. It was also seldom that he could be seized upon the spot, because he took care to be well attended

when he appeared before the judges (besides, the feudal law allowed the condemned to go to his home first), so immediately after the sentence he took refuge in his castle. Once there, he armed all his peasants, and prepared for a desperate defense. Theoretically, the judges, the seigneurs and the suzerain, should have gone to besiege him, so that their sentence should not remain a dead letter; but they generally excused themselves from meeting that obligation which put the last touch upon the extremely inconvenient duty of being a judge.

It was the winning party, he who was more interested in seeing the sentence carried out, who took the field; but, after all, whether it was he or the others, it was always war.

Never, at any period, was there such need of a strongly organized judicial system as at this atrocious age when there was actually no system at all. Many seigneurs led the life of brigands, continually scouring the country to rob the few merchants who still ventured upon the main roads, carrying off beasts, women, and serfs from a neighboring seigneur who the next day would return their visit on the pretext of a reprisal. There was a constant exchange of violence between these seigneurs, and an everlasting concert of recriminations equally well founded on both sides.

The feudal hierarchy was thus a prolific source of wars, each vassal always cherishing the idea of becoming independent of the suzerain or of lessening his dependence, each suzerain always trying to augment the subjection of his vassals, and to impose upon them more than the covenanted duties. An eminent historian, Guizot, has shown that in a great number of instances they went to war simply about their castles. Each seigneur made his own as strong as possible; but every time he strengthened his walls a little, all the neighboring seigneurs, without counting the suzerain, fell upon him, because they looked upon the act as a menace; and they were right. So it is to-day; as soon as one nation enlarges its army, the others consider themselves menaced; they exchange explanations, and sometimes they come to blows.

Notwithstanding all that, private wars would not have been so frequent had there not been another and most dishonorable reason which endeared them to the seigneurs. This was that the wars were carried on in such a manner that there was but little danger in them, and a great deal of profit. When two nations now go to war, it is agreed that the soldiers of the two armies only shall do harm to each other; they must respect the unarmed citizen; he is beside the question, whichever country he may belong to.

This rule of the law of nations is entirely modern. In the middle ages, among the seigneurs, methods entirely opposed to this prevailed. Each seigneur fell first upon the peasants of the other; he killed the men or carried them into captivity, did violence to the women, swept away everything that could be carried, burned the villages, laid waste the fields, the woods, the vineyards. He plundered them of money, grain, wine, etc., to enrich himself; he destroyed what was left, to make his enemy poorer. In fact, he made it impossible for the peasants to pay their dues. This system of destroying everything, on the pretext of impoverishing the enemy, lasted, moreover, long after the middle ages. Louis XIV. practiced it, to the scandal of the civilized world, in Holland, where he burned hundreds of villages, and in the Palatinate, where everything, even the large cities, was given over to the flames. But to return to our seigneurs,—it often happened that they mutually avoided each other, as if by a tacit agreement; while one ravaged the seigniory of his adversary the latter ravaged the seigniory of the first, and the question was which should make the ruin most complete. Imagine the fate of the country-people under such circumstances, and how much interest the peasant would take in cultivating the land, land, moreover, which did not belong to

him, and from which it was impossible for him to derive anything, even under the most favorable opportunities, except what was strictly necessary.

## CHAPTER XIII.

### *THE INCURSIONS OF THE NORTHMEN—DISTRESS AND FAMINE—EXPECTATION OF THE DESTRUCTION OF THE WORLD IN THE YEAR 1000.*

The ninth and tenth centuries were not only the period during which private wars flourished, but also that of the invasions of the Normans, or men of the north.

The invasion of the Normans was the last assault made by the barbarian world upon the ancient civilized world. The Normans were the last barbarian comers. Of Germanic race, like the Franks and Visigoths, they inhabited Denmark and Sweden; they did not come by land; the distance was too great, and to reach France they would have been forced to fight their way through a multitude of tribes; they came, in small bands, upon light boats which they handled with extraordinary skill and boldness. They entered by all the river-mouths, ascended the rivers and tributary streams, penetrated wherever there was water deep enough to float their boats. They came, they disappeared, with bewildering suddenness, and wherever they passed the

devastation was complete. Daring, swift, brave to madness, they triumphed over troops much superior in numbers, or evaded them. It does not appear that the feudal seigneurs, so brave against the peasants, against the serfs of their neighbors, offered very effectual resistance to the Normans; they shut themselves up in their castles, and quietly watched the barbarians lay waste the adjoining fields. Some of them, even, did not scruple to ally themselves with the Normans and lead them to the pillage of their enemies. The audacity of the pirates increased. At first they confined their ravages to the valleys of the streams and took care to remain always within reach of their boats. Afterwards, when they saw how little resistance was made, they marched into the interior of the country. They penetrated to the center of France, as far as Limoges, which they plundered. They besieged Paris three times in twenty years. It is true that the fourth time, in 886, they were repulsed after a siege of several months. The last kings of the family of the Carolingians, being powerless to drive these barbarians away, bought them off several times with money. One of them, Charles the Simple, even made over to one of the Norman chiefs, Rollo, the province which has since been called Normandy. Rollo, having thenceforth an interest in the tranquillity of the country, pro-



tected the valley of the Seine against the invasions of his former compatriots or companions, and the gate by which the Normans had most rapidly reached the heart of France was at least closed and well closed. Shortly afterwards, for other reasons, the Norman invasions ceased. They directed their activity towards Russia, towards the east; some of them even, having been converted to the Catholic religion, settled down and gave up their habits of maritime incursions.

It was not because of the Normans that strong castles were built everywhere and all the cities surrounded with ramparts; that was a practice that had begun at the time of the conquest by the barbarians, the day when the security, the peace, enjoyed under the Romans, had disappeared; but it was because of the Normans that the movement was hastened and became general. Places that could be surprised too easily, cities, villages, built on the plain, were abandoned little by little as too dangerous; the dwellings had a tendency, so to speak, to climb the hills, the mountains, to occupy rough spots, difficult of access. Fortifications more or less strong were built everywhere, in the gorges, the defiles, the narrow passes. People protected themselves everywhere. This would have been well enough if they had only protected themselves, if the fortresses had served only for defense; but most

of their masters used them for the safe-keeping of the fruit of their robberies and to escape the punishment of their brigandage. The owners of castles did more than any one else to make castles necessary. Thus, the evil grew out of the remedy.

No period was more terrible for the poor peasant than this one. His life, void of interest, for he was not a land-owner and could not hope for wealth, destitute of comfort, nay, stripped of every necessary, was a continual terror. About each castle was a large palisaded inclosure designed to receive the serfs belonging to the estate with their flocks on the approach of the enemy. To live in his poor home, like a hare in its form, always on the alert; to till the thankless earth, hurriedly and with loathing; to take refuge within the seigneurial inclosure at the slightest note of danger; to encamp there, in privation and dread, scarcely protected from the weather and entirely without food, a prey to the epidemics that never failed to appear amid these unwholesome throngs; to leave it again, famished and trembling, only to find his hovel in ruins and his crops in ashes; to have to repair the loss, to begin everything anew, with the early prospect of another invasion,—such was the life of the peasant. Naturally, famine was permanent; no cause of death was more common at that time than hunger or the diseases

caused by it. These poor people felt it was impossible for humanity to survive this régime, and they saw no sign of change on the horizon. Is it astonishing that they should have believed the world was coming to an end? The year 1000 was approaching; the opinion spread, was accepted, that the first hour of this year, marked by a prophetic number, would be the last of the world. Dread sank into every heart.

“Why this universal panic?” asks M. Morin very properly; “if the world believed its end was imminent, it was because it saw evil every where and the remedy nowhere; it was because it felt itself fainting; its weakness, like that of every dying man, betrayed itself by visions. . . . . The European world felt the giddiness of death; it felt there was no longer anything between it and annihilation.

“And yet it was not to fall into it!”

On the contrary, at the moment when humanity seems to touch the bottom of the pit, it begins to rise again little by little. We shall soon see new forces arise which will break up this world of injustice and violence.

## CHAPTER XIV.

*THE FAMINE OF 1030-32, FOLLOWED BY THE "PEACE OF GOD," AND THAT BY THE "TRUCE OF GOD."*

The year 1000 passes quietly, like an ordinary year; the sun is not extinguished, nor the earth rent. It seems as if they then said to themselves: "Since this world is to last, we must have some order in it, some peace, for its present state is intolerable." It was among the clergy that this idea seems to have spread. They were certainly a little better educated and a little more honest, at least their leaders were, than the coarse and stupid barons of the period.

From 1030 to 1032, there were three years of continual rain. It was barely possible to plant, and the seed did not sprout; consequently the famine was terrible. "It was believed," says a man of that time, "that the entire human race was about to perish. . . . All were starving; great and small, rich and poor, the faces of all showed the same pallor of suffering. Bread cost enormous sums. Men fed upon the bark of trees, the grass of the fields, the flesh of the dead, whom

they disinterred; after that they eat the living, and the traveler, assailed upon the highway, fell under the blows of men furious with hunger, who divided his limbs among them. Others enticed children away by offering them eggs or apples, and then killed and eat them." Men naturally believed themselves stricken by the wrath of God. This decided the clergy. They preached harmony and peace everywhere with an irresistible enthusiasm. No more private wars; there should be no more occasion for them. Every one henceforth should go unarmed, forget the past, the quarrels and the wrongs of his neighbors, and live, in future, according to justice. The people entered into these sentiments with an enthusiasm that is very easily understood. They cried everywhere: "Peace, peace." The bishops, the prelates, who had met in provincial councils to adopt these fine resolutions, decided to meet again five years afterwards in order to maintain the institution of the *peace of God*.

As soon as they began to forget the past famine and were somewhat reassured, the *peace of God* disappeared, and the world resumed its disordered course. The clergy understood that they had got nothing because they had asked for too much.

When the provincial councils met again at the

appointed time they were less exacting and more politic. Instead of the *peace of God*, they established the *truce of God*. They ordered, on pain of excommunication, that there should be, in each week, a period during which all war should be suspended; from Wednesday evening until Monday morning; during the rest of the week, for three days out of the seven, that is, they might make war as much as they liked. The great holy-days, Advent, and Lent, should also be consecrated to peace. The seigneurs should henceforth be obliged to abstain from killing or mutilating the unarmed peasants, and from destroying the herds and crops. The *truce of God*, as may be supposed, was never observed with regularity, especially on this last point; it was, however, observed sufficiently to restrict considerably the times and miseries of war.

## CHAPTER XV.

### *THE TOWNS REBEL AGAINST THE AUTHORITY OF THE SEIGNEURS—THE ESTABLISHMENT OF THE COMMUNES.*

It was the towns that gave birth to trade. While every household in the country produced nearly everything it needed, labor was divided in the towns. Some cultivated the land, others made clothes, others shoes, articles of luxury, etc. These they exchanged. Trade brought to the towns the money needed for exchanges. The circulation of money, trade, commerce enriched a certain number of men, and then they, having become rich, became independent.

It was impossible that the rich bourgeois, or the merchants who were becoming rich, should endure the yoke of the seigneurs with the gloomy patience of the peasant crushed by toil and misery. It was in them that the spirit of protest and revolt awoke. They communicated it to all about them.

We have now reached that part of our history, so interesting and so notable, which is called the *foundation of the communes*.

The foundation of a commune was, in certain respects, a small revolution, a revolution limited to a city.

It began by some of the bolder bourgeois talking together about the exactions, the excesses of the seigneur, and as they talked they became more excited, more resolute; next they sought means to put an end to it. By degrees these wishes, these plans took shape in a distinct, determined resolution, in a plot.

It seems, when men conspire, that the first idea of each is to make sure of the secrecy and fidelity of his companions by imposing an oath to live and die together; that is what these bourgeois of the middle ages did. They took mutual oaths to defend and sustain each other. Little by little the plot gained adherents, and finally when they found themselves sufficiently numerous (sometimes the conspiracy included almost all the inhabitants), the revolution broke out.

Ordinarily the seigneur had in the city a judge and sergeants, or soldiers, who represented him and exercised his authority. The people, revolting, drove them out, not always without a battle; but this was not the most difficult part, for the soldiers were never very numerous. Then they closed the gates tightly. Once free and with the gates well shut, the



conspirators assembled the inhabitants in some public square, or, as these were rather small then, in the cemetery. There they made the people swear to defend the commune to the death; this, *commune*, was the name they gave the new system, because of the solidarity, the community of feeling, that formed its basis. The people at the same time selected the most notable from among the conspirators to be their magistrates,—in one place under the name of consuls, in another under that of *échevins* (aldermen) or mayors,—and the *corps de ville* was formed.

The next thing was to draw up a communal charter which should determine the public status of the citizens, their relations with the seigneur and with the new magistrates; they had also to prepare to stand a siege by the seigneur who would not fail to attempt to destroy the commune and punish the rebels.

Against what troops would they have to contend? That is what the *communiers* did not know.

It might be that the seigneur, in his fight with the commune, was reduced to his own troops, in which case they were almost sure of victory; but, again, he might find allies and help among the nobility of the province, who detested the commune as the kings of Europe in 1789 detested the Revolution. And it might also be that the king of France, notified by the

seigneur, would come to help him suppress the revolt.

The kings of France, whatever may be said about it, had no thought, at least at the beginning, of favoring the communes. They would have been disposed rather to oppose them as the products of the spirit of independence, of which rulers of the people are always suspicious. But this first and natural inclination on the part of the kings often yielded to their interest, and at times they supported the communes against their seigneurs, either to put down those seigneurs against whom they had a grudge, or because the communes had paid them well for their protection.

Such was the situation in which the communiers found themselves on the morrow of their revolt. The chances against them were many. And, in fact, a great number of communes were destroyed, smothered in blood when scarcely born: others, on the contrary, beaten at first and thought to be dead, revived; were then crushed again, and again revived, and a third, and a fourth time, with inextinguishable vitality. Others had an easy, a scarcely disputed existence. There were even some that were established with the consent of their seigneur, more just or more intelligent than the others. All the inequalities of fortune that may exist among

individuals were found among the communes. The communes of the south had usually a more brilliant career than those of the north, because the bourgeoisie was more numerous there and the nobles fewer.

Let us now see what took place within the commune. We have said that the leaders first busied themselves with drawing up the communal charter. The charter was to the city what in our time constitutions are for the whole of France. In the charter, they first declared what the relations between the communiers and the seigneur should be in the future, what taxes they would pay him, and what they would pay no longer. Naturally, they reduced them greatly; the revolution had been made especially for that; sometimes they even abolished them completely. They then fixed the number of magistrates the commune should have, the functions of these magistrates, their powers, and the way in which their places should be filled. Generally, the magistrates in office were invested with the right to nominate their successors to the assembly of the people; and the people by vote accepted or rejected them. At the beginning, doubtless, this was a serious procedure; but it soon became a pure formality. In other cities the magistrates nominated two or three successors instead of one, that the people might

at least have a choice. We know the names given to these magistrates: *échevins*, mayors, consuls, councillors; the term of service varied in different places from one to three, perhaps even to five years. It is in these points that the charters of the communes resembled the constitutions to which we have compared them. But they differ and are more far-reaching in this, that they contain the rudiments of a civil code and a penal code; that is, they laid down the most customary principles for the trial of causes, and the forms according to which the judges should decide as well in civil as in criminal matters. They also contained rules, and often in much detail, for the police service of the city. Finally, all those things which the legislators in France and the executive power regulate jointly or separately to-day were regulated solely by the charter of the commune, although of course with less precision and detail. I have said that each of these cities formed a kind of small nation. That is literally true of certain communes of the south, which were actually independent republics, coining money, making peace or war either with other cities or with the seigneurs of the neighborhood. These large cities, as Toulouse, for example, were dependent upon their nominal sovereign only in theory, and, when at their best, rendered him little more

than the service of deference. They lacked only the name of republics.

Just as there were infinite inequalities in the fate of the communes, so too were there quite numerous degrees in the liberty which they enjoyed, some reaching the last term of independence, others stopping half-way or at the very beginning; and there were also communes of every size and every degree of importance, from Toulouse, for example, of which I have just spoken, which had perhaps 150,000 inhabitants, down to little villages of 700 or 800. Even where there were no villages, communes were formed by the peasants living in scattered cottages. Historians call them rural communes. They were quite rare. The others, the city communes, fairly swarmed at one time. Many of them, probably, did not live long; but something of them always remained.

Wherever the commune survived, maintained itself, it formed a hole, as it were, in the feudal system. Its compactness was thereby lessened. And it was not only within the circuit of the communal town that the feudal system languished or disappeared entirely; but the effect of the revolution was also felt in the surrounding country. The seigneur or the seigneurs, half-ruined by the defection of their subjects within the town, and sometimes too by the wars which the latter

continued to wage against them, were by so much the less able to keep their country subjects under the yoke; and the latter, furthermore, were much less inclined to bear it. The seigneurs everywhere found it necessary to reduce the burden lest it should be thrown off altogether.

The communes were, if I may use the expression, the first attack of a mortal disease which would in due course have put an end to feudality. Royalty did not permit the end to be thus reached; it took upon itself to destroy the feudal system.

## CHAPTER XVI.

*THE FEUDAL SYSTEM IN THE ELEVENTH CENTURY—THE  
TAILLE—THE CORVEES—THE BANALITES—TOLLS  
—LODS ET VENTES.*

Before showing how the royal power reduced little by little the powers of each seigneur, or, rather, absorbed them for its own profit, it will be well to remind the reader briefly what feudality was in the eleventh century.

France was divided into a multitude of seigniories, of small kingdoms variously subordinate or graded, as it were, among themselves. Each seigniority was, on the one side, the vassal of a higher seigniority, and on the other side the suzerain of a lower one. At the ends of the scale there were seigniories that were independent, in fact at least, and had no suzerain, and seigniories without vassals; this condition, however, was to change: the kings of France were not slow to claim and to obtain suzerainty over all the seigniories, from the smallest to the largest.

Every vassal owed his seigneur homage for

his land when he came into possession of it on the death of his father. (Homage was a ceremony by which the vassal pretended to return the land to the suzerain, and to receive it back from him on making promise to serve him.)

The vassal promised to follow his suzerain to the war, to aid him with his sword under certain circumstances, to aid him even with his money. The suzerain, on his side, swore to protect the vassal.

Such, in brief, were the mutual relations of the seigneurs.

Let us now look at the other side of feudality; let us see what the seigneur was for those who lived on his seigniory.

We have said that there were very few freemen outside of the towns at the end of the tenth century. Still, there might have been some, either because the seigneur had not reduced all to servitude, or because he had freed them after they had been made serfs. There were, then, in the seigniory: 1st, freemen; 2d, serfs.

It must not be thought that serfdom was a condition uniform throughout all the seignories.

It would be too long, it would be impossible, even, to enumerate the different kinds of serfdom existing at that time. The shades were endless. It will suffice to mark two great classes: 1st, the personal serfs; 2d, the real serfs.



The personal serfs, or *serfs de suite*,<sup>1</sup> were almost slaves: custom forbade that they should be sold as slaves were formerly; but, except for this, they resembled them in everything. They could be removed from one *métairie*<sup>2</sup> to another; could be made to change their occupation, to give all their time and all their labor; every kind of service (*corvée*) could be exacted from them; they could be beaten, put in chains without cause, by caprice; and, finally, if they ran away, they could be seized wherever found.

The real serfs were less serfs of the seigneur than of the land. By law they were attached to the land. The seigneur could not remove them from it, nor require from them other services than such as belonged to their occupation as husbandmen. Generally, by abandoning everything, they might go away, and the seigneur had no right to pursue them. In this last class also there were essential differences. Thus, certain serfs had to pay the seigneur fixed sums and do fixed *corvées*; the seigneur could not require more from them. Others, on the contrary, were subject to *taille* and *corvée* (see p. 103) *à merci*, that is, at the discretion of the seigneur.

<sup>1</sup> A serf who could be seized by his master wherever found. The master had the *droit de suite*, the right to follow, hence the epithet.—*Tr.*

<sup>2</sup> The farm held by a *métayer*.—*Tr.*

Others, although subject to *taille* and *corvée à merci*, had the right to dispose of their property by will, while others again, although bound only to pay fixed sums, could not make a will. These last were called *mainmorte*; it was said of them that they lived freemen and died slaves, and of the others, that they lived slaves and died freemen. Besides, there were some who were subject to *corvée à merci* and at the same time *mainmorte*. These were the lowest, next to the personal serfs, in the feudal scale.

And even in the *mainmorte* there were differences, grades. Some could leave nothing by will, and the seigneur became heir to all their property. Others could dispose of all their personal property; others, again, of only a part of it. It must be fully understood that when a serf bequeathed his property, he could do so only on the condition, tacitly accepted by his successor, that the latter would fulfill all pre-existing obligations to the seigneur.

The serfs, in general, were not at liberty to marry without the consent of the seigneur.

As regards the serfs, it is apparent that the seigneur is more than their king; in one aspect he is their owner. This is literally true of the serfs *de suite* (p. 101); he owns them, as one owns anything; he can do with them as he chooses. Let us look again, however, at the

various services he receives from them and which we enumerated briefly.

First, there was a kind of tax, the *taille*; but it was not the same for all the serfs of the seigniory. As has been already said, there were serfs from whom the seigneur could demand it whenever and in whatever amounts he wished; these were the *taillables à merci*. There were others from whom he could require only one *taille* each year, and of that the amount was fixed; these were called *serfs abonnés*.<sup>1</sup> This was the ordinary *taille*; but there was also an extraordinary one which was due on four occasions: 1st, when the eldest son of the seigneur, having attained his majority, received his arms as a knight; 2d, when the eldest daughter of the seigneur was married; 3d, when the seigneur went to war or upon a crusade; 4th, when the seigneur was made prisoner and needed to be ransomed.<sup>2</sup>

*The Corvees.* It is necessary to treat a seigniory as if it were in two main divisions: 1st, one including all the land granted by the seigneur,

<sup>1</sup> Derived from *borne*, a limit or boundary. — *Tr.*

<sup>2</sup> We warn the reader, once for all, that we describe only the more usual, the more common conditions. There was an infinite diversity in every thing in the middle ages, and we should never finish if we tried even merely to make mention of the fact that exceptions existed.

or treated as if granted by him, either to serfs or to freemen, to be cultivated; 2d, the land which he reserved about his own chateau, which constituted his own estate. An exact idea of the corvees cannot be had unless this distinction is kept in mind. How was the seigneur's own estate managed? The inhabitants of the seigniority cultivated it by corvees; that is, each inhabitant had to work on it one, two, or three days each week. Usually, too, the kind of work which each person, or rather, each family, had to do on the seigneur's estate was specified. Some had to plow, others to reap, others to harvest the crop. Corvees were required not only for the cultivation of the estate, but also for the maintenance and service of the castle; for example, one woman would have to sweep the courts on Wednesday, another on Sunday; this man is obliged to take care of the seigneur's horse when he travels, that one to make clothes for his soldiers, etc. The origin of and reason for the corvees have now been shown.

We come now to the *banalités*.<sup>1</sup> There was only one bake-house in the seigniority, only one granary, only one mill, and they belonged to the seigneur. The inhabitants of the seigniority could not bake their bread, store their grain,

<sup>1</sup> *Banalité*; a term of feudal law, meaning the forced use, for pay, of something belonging to the seigneur.—*Tr.*

or grind their wheat except in this oven, this mill, this granary. Naturally the seigneur made them pay for it, and it was he who fixed the price. Restrictions of this kind always bore heavily on the people, not because the price set by the seigneur was exorbitant, but because all sorts of inconveniences resulted from them; for example, as there was only one mill, it often had more work than it could do, and men who came from distant points in the seigniory were sometimes compelled to wait several days for their turn.

There were no highways in the seigniory, only a few roads in poor condition. It would have been difficult to drag wagons through the mud in winter, if there had been any wagons; they had only carts, which served to carry the crops. The roads were used also, occasionally, by men on horseback, the seigneurs of the neighborhood and merchants.

These roads were made by the peasants, either spontaneously or on the orders of the seigneur and by corvees. The seigneur, therefore, thought himself authorized to levy *toll* upon all passers. A chain was stretched across the road at some point, and two or three ill-looking men, who might be easily mistaken for robbers, staid by it during the day and removed it only for those who paid the toll.

Such were the general services required from all serfs; in addition there were very varied and numerous charges, bearing some upon one, others upon another class of people. Thus, if a serf wished to marry he had to pay a marriage tax; if craftsmen wished to work at their trades they had to pay taxes which we will not mention by name, because their names were various; merchants who sold in the public square, in the markets, at the fairs of the seigniority had to pay a *fee*, *droit d'aide* or *de tonlieu*, calculated upon the price of what they sold.

It was not the serfs alone who were subjected to the *taille* and *corvee*. The freemen were also, but, naturally, they paid only a fixed *taille*, like the better class of serfs. - They were exempt from the marriage tax, and the *mainmorte*; their *corvees*, too, were less onerous, but they paid the *cens* (p. 61) from which the serfs were exempt. The land held by the freeman was treated as if it had formerly belonged to the seigneur, and had been sold or given by him to the freeman for the consideration of a rent. The *cens* was this rent.

With the *cens* was associated the charge of *lods and ventes*. Whenever a freeman sold or gave away his land, which was always treated as if it belonged to the seigneur, he was obliged to have his disposal of it confirmed by the seigneur,

and was obliged also to pay him a fee. The lods and ventes correspond, as is seen, to the charges collected by the state in modern times on transfers of property. On the whole, what distinguishes the freeman from the serf? 1st, The right to alienate, to exchange, to bequeath his property, to do with it as he sees fit. 2d, He cannot be subjected to certain corporal punishments which the master can inflict upon his serfs. Now, let us return to royalty.

## CHAPTER XVII.

### *THE RISE OF THE ROYAL POWER—THE CAPETS—LOUIS VI.*

The royal power, almost lost since the time of Louis le Debonnaire, begins in the twelfth century to rise again; it will grow rapidly. The kings will play, and play in good faith, a part which will win them everywhere the favor of the oppressed; they will present themselves as the guardians of order and security.

The people, feeling grateful, will support them against the seigneurs; and the kings will be thereby enabled to make themselves absolute masters both of the seigneurs and the people.

Having reached that point, royalty will inflict upon the people all those excesses which are inseparable from absolute power, and at last these excesses will render necessary, inevitable, the Revolution of 1789.

The communes had been the spontaneous creations of the people when they were determined to free themselves by their own hands. Unfortunately the people in the twelfth century believed that they could both try to save them-



selves and accept the king as their savior. They were cruelly undeceived. The first thing royalty destroyed was the communes. Feudality's turn came later.

If royalty had remained weak, it is probable that feudality would have lasted longer; the communes would have taken more time to destroy it than royalty did, but they would have succeeded in the end. The fate of France would have been very different, and its rôle probably less brilliant. It is to be presumed that we should have missed some of the glittering adventures, some of the glory, or rather some of the talk; but it is probable also that we should now be more tranquil, richer, freer, and, consequently, happier.

Let us see how royalty bettered its position. In the first place, it was in the nature of things that it should do so. Order, justice, security are indispensable. The people had been so cruelly deprived of them for centuries, they felt the need of them so keenly, that the power which should promise, should seem to wish to supply them would inevitably receive the support of every one, the feudal brigands excepted; and it would even influence them, for justice never loses its power on the human mind entirely. The authority destined to play this part of the lover of justice was clearly indicated; it was

royalty. In fact, royalty has never had any other reason for existence than that: the need of a power dominating everything, to make justice reign over all, and to establish order everywhere. What made the first Capets understand that the future would be within their grasp if they could regain in the eyes of the people the character belonging to their title? Doubtless, it was the priests. History tells us that the Capets were very devout princes, very much influenced by the clergy.

The Capets were not the legitimate successors of Charlemagne, or of the Roman emperors, but they had taken the place, and they knew well that supreme authority had belonged for centuries to the title of king which they bore. Naturally, they cherished the ambition and the hope of recovering some day the authority of their rank. The seigneurs themselves were disposed to accord to the name of king a certain moral superiority, an undefined respect which, it is true, was not accompanied on their part by any effective obedience; but, after all, it was practically admitted by them that the king of France had the right of suzerainty over all the seigneurs.

This point was not to be despised; starting from that, the kings could exact many things, could undertake much, without going outside of feudal legality.

Louis VI. called Le Gros, the fourth successor of Hugh Capet, and the successors of Louis VI., Louis VII., Philip Augustus, and St. Louis, labored at first to convert their nominal suzerainty into an actual one.

If they had offered themselves as inspired solely by personal ambition, it is not certain that they would have succeeded so easily; but, profiting by the lessons of the clergy, they offered themselves as the born defenders of the weakest, as the guardians of order. This characteristic of royalty appears distinctly for the first time in the conduct of Louis le Gros. He had not yet much means, many resources; he lacked soldiers especially; he had to limit his action to the narrow sphere of his direct estates, the Isle of France and Orleanais; but upon this little theater, at least, he played his part bravely. Wherever he was called by any seigneur oppressed by a stronger one, any monastery or any church troubled by the neighboring seigneurs, he went, he ran, always a-field, always wearing his armor. His life was passed in obscure but useful conflicts with the barons of the Isle of France, with the Bouchards, the Sires de Montmorency, the seigneurs of Monthléry, of Le Puiset, of Coucy, who were at that time almost as powerful as the king.

Imagine the effect that must have been produced in the regions martyred by the seigneurs

by the recital of these expeditions, narrated and commented on as they doubtless were by priests devoted to the new royalty. The serfs, the peasants, the working men found from that time that they had a titular protector or avenger; there was some one in the world henceforth who wished that the roads should be safe, that the unarmed rustics should not be killed, that the villages should not be burned, etc., and that man was the king of France. The history of the royal acts and deeds, spread by the priests, soon reached to the ends of France and penetrated everywhere; at least, it is probable.

## CHAPTER XVIII.

*THE NATURE OF THE ROYAL AUTHORITY OVER THE  
DIFFERENT ESTATES OF THE KING—THE KING  
BECOMES SEIGNEUR OF THE CITIES—  
GRANDS-BAILLIS.*

The work of Louis le Gros consisted in asserting his position as king in the manner I have just described, and in establishing the actual suzerainty of royalty over his immediate vassals, over the seigneurs who were subject to, who took title directly from it, without an intermediary.

Louis VII., the son of Louis VI., did nothing but make a very brilliant marriage. Eléonore of Aquitaine brought him as her dowry almost all the south of France, Touraine, Poitou, Saint-onge and Aquitaine; and here an explanation is needed. The states proper of Louis le Gros comprised about five of our departments; Seine, Seine-et-Oise, Seine-et-Marne, Oise, Loiret. But, we must understand what was the nature of the king's power over these so-called royal states, and the manner in which he possessed them, which has nothing in common with the manner in which kings possess them now. We distinguish in the

states of the king: 1st, the *domaine*, the lands or cities which belonged to him personally and only to him, which he ruled, managed, taxed as he pleased. There, there was no other seigneur than the king; there, he was the absolute master; 2d, the *states* (*états*), composed of seignories the titles of which came (*relevaient*) directly from the king. The proprietors of these seignories had to swear fidelity to the king, pay him the *taille* in certain cases, aid him in the administration of justice, and accompany him in war; and they could not withhold these services on any pretext. Beside the *domaine* and the *states* there was the *suzerainty* over the indirect seignories. What was the situation of the seigneurs who were subject (*relevaient*) indirectly? Take an example. The seigneurs of Normandy had the king for suzerain, and the king of England, the duke of Normandy, for their direct seigneur. It is true they owed the king fealty, taxes, help, military service; but they owed it only through the intermediary of their direct seigneur, the duke. When the king wished to call on them for any one of these services, he had to address himself to the duke. The latter, it is true, was compelled theoretically to accede to the request of the king, but if he refused the Norman seigneurs were not bound. They were legally freed from their obligation to the king when their

duke freed them, his orders being superior in feudal law to those of the king. Suppose even that the duke should rebel and make war against the king; it would be the duty of the seigneurs to follow the duke; he would take, so to speak, all the sin upon himself. It is evident that it made a great difference to the king whether he had an immediate seignioralty or a *suzerainty*.

I repeat it, the seignioralty of the king extended over only five of our departments. His suzerainty extended over almost the whole of France, speaking theoretically; but one can imagine what this suzerainty was, and how seigneurs as powerful as the duke of Normandy, king of England, the count of Toulouse, owner of a great part of the south, and other similar ones were, how, I repeat, these great lords must have regarded the far-off suzerainty of the king when the small seigneurs of the Isle of France did not even respect his direct and present power. When then I tell the reader that Eléonore of Aquitaine brought to Louis VII. Touraine, Aquitaine, etc., he should bear in mind that Eléonore possessed these provinces and brought them to the king with the same distinctions among them as those just shown to exist in the states proper of the king; there were: 1st, domaines; 2d, seigniories directly subject; 3d, a suzerainty.

Unfortunately for royalty, this marriage did not produce the expected results. It was soon broken by a divorce, and Eléonore then married the king of England, to whom she took her great possessions. Thus, the king of England, already duke of Normandy, found himself a much greater lord in France than the king.

Under the same Louis VII. a new opinion became established, a new point of law, which did more for him than his marriage with the rich Eléonore. *The communal towns claimed to be subject directly to the king*; they claimed that by the simple fact of becoming communes they had left the estate of their natural seigneur to enter that of the king. This was an idea that was certainly at variance with everything that had been admitted up to that time, and it was contrary to all the principles of feudality. What advantage was it to the inhabitants of the communal towns to be directly subject to the king? With what object did they invent and sustain this new revolutionary principle? It is easily understood. Suppose the commune, the town, had a dispute with the seigneur about the taxes to be paid him (and they always had), the seigneur was the judge in the case, judge and party at the same time: that was offensive to equity, to common sense. So, when the inhabitants of the commune said: "We are subject directly to



the king," it was the same as saying: "It is for the king to decide the questions between the city and its seigneur, for the latter cannot be at once the judge and a party in the suit."

Such, at the beginning, was the purport of the maxim that the communes were directly subject to the king. Afterwards, they drew more radical consequences from it. If the commune was directly subject to the king, if the king was its natural seigneur, of what use was the other, the former seigneur? Logic led straight to this. Besides, the bourgeois detested the former seigneur, the tyrant who had troubled them so much. Royalty, on the other hand, had as yet done them no harm; they did not know it; they looked upon the king as their natural support against the seigneur, as their savior. Imbued with old ideas brought forward again by the clergy, they placed all their hope in the king. They urged him on all sides to crush the feudal world, to take up again the part of the Roman emperors.

I have already said that the kings entered into this part without a full knowledge of what needed to be done, so that they played it very unequally. They often abandoned it and became again pure feudal sovereigns. They often betrayed their most important interests for the sake of some small immediate gain, and took the

part of feudality, their natural enemy, against the communes, their necessary allies.

The new law could not produce at once the extreme consequences of which I spoke; but this is what it first produced. The quarrels, the suits of the seigneurs against their communes, that is to say, their most important affairs, those in which their largest interests were involved, were brought in the first instance before the royal tribunals.

The king's judges found their authority widely extended thereby beyond the limits of the royal domaine, and the inhabitants of the cities, that is to say, the richest, most active, most intelligent persons in the nation, became their suitors in all communal trials.

Soon afterwards came another innovation of immense importance; and it came not from the people, but from the king. It is very remarkable that it, like the first, had its pretext, its starting-point in an idea of equity, and, like the first, it bore upon the administration of justice.

The serfs, the *villeins* (freemen, not noble), were tried in each seigniorship civilly and criminally, by the seigneur, or, rather, by an officer representing him. This officer commonly bore the name of *bailli*. Generally he was a very bad judge. He possessed none of the conditions which guarantee the integrity, the equity

of a magistrate. He was absolutely dependent upon the seigneur; he had not prepared himself by any particular study; he was of importance neither by his origin nor by his knowledge. He had been born and he lived in the locality; consequently he had relatives, allies, friends and enemies there; finally he was responsible only to the seigneur, who had something else to think of than securing sound, impartial justice for his subjects, serfs, and villeins. If suits between subjects themselves were badly tried, there was much more reason why those of the subjects against the seigneur should be. It can be imagined how the demands of the subject must have been received by this petty officer entirely devoted to the seigneur. So it came to pass that the subject who had been wronged or injured by the seigneur rarely had recourse to the bailli's mockery of justice. He swallowed his anger, his hatred, and bore everything in silence; or, if he was a man of energy, of resolution, he revenged himself as best he could, and then fled to the woods, to the forests. He was always sure to find plenty of companions there, bands of energetic men who like himself, wearied of injustice, had broken their chains by a crime. He added himself to these bands, compelled to gain their living by robbery and brigandage. Certainly justice is one of the things of which

people feel the need most keenly; it can be seen by what I have just said, whether the people in the middle ages were harshly deprived of it. They were hungry for justice, and had been so for centuries when the king Philippe-Auguste, the successor of Louis VII., created his *grands-baillis*, his *grands-sénéchaux*.

## CHAPTER XIX.

### *GRANDS-BAILLIS—RIGHT OF APPEAL TO THE KING —THE KING'S QUARANTINE.*

Before the time of Philippe-Auguste the kings had had in their domaines only baillis, sénéchaux, petty judges without importance or dignity, charged with the administration of justice in each locality, and exactly like the seigneurs' judges. This condition of things sufficed no longer; the royal authority had increased, it had new functions; to meet them it needed new organs. Philippe-Auguste, therefore, created *grands-baillis* and *grands-sénéchaux*. These had to be, and were, very different from the former judges of the domaines. In the first place, the king chose for these positions the greatest from among those seigneurs who were directly subject to him. Next, he gave to those whom he had chosen all the prestige and all the power with which royalty could then clothe its representatives; these officers had household establishments, constables under their command, and as much money as the king could get for

them. Thus equipped, they set out, each going to his designated province. They established themselves, some in the communal cities (still by virtue of the new principle that these cities were directly subject to the King), others in castles bought by the King expressly for them from some needy seigneur. Although they ordinarily resided in these cities or in these castles, yet they were not always there; it was their duty to travel through the province, stopping sometimes in one place, sometimes in another. To do what? To administer justice. But to whom? To the communes first, this was a settled point; next, and here was the great innovation, to every subject of a seigneur who, having been already tried by him and believing the decision unjust, might wish to appeal to the justice of the king. It contained a complete revolution.

It can be guessed whether the people did not feel a thrill at the news that there was a man in the district who had been sent by the king to make over, to set aside the sentences of the seigneurs, to judge, in short, their justice. They *appealed* on all sides. The seigneurs were astonished, indignant, but none the less frightened. The bailli, this great personage, with his train, his troops of constables, seemed determined to make the orders of the king respected, and

able to compel the respect even of the most powerful seigneur. Nevertheless, some of the more violent ventured to resist indirectly; they maltreated, and sometimes with the utmost cruelty, those of their subjects who had been so insolent as to *appeal*. This was playing into the king's hand, for the bailli at once took the field with his constables, occupied the castle of the recalcitrant seigneur, with his consent, or by force, and confiscated his judicial powers until he came to terms. Many seigneurial justices were thus suspended, and sometimes even definitively suppressed.

The instrument with which royalty was to undermine and destroy its enemies was found. We shall see, subsequently, how the tribunals of the king demolished the feudal system piece by piece. Our history is a complete verification of the political axiom that: "Whoever has the judges on his side ends by having all."

The clergy, as we have seen, had invented the *truce of God* to limit as much as possible the horrors of private war. Philippe-Auguste, with the same object, invented the *quarantine of the king*. You should know that when a baron had been insulted or wronged by another baron it was seldom that he did not proceed in the honest manner I am about to describe.

He immediately mounted his horse and went with his men, sometimes for a great distance, to fall unexpectedly upon one of the relatives of his offender, who, not having yet had time to learn of the quarrel, was sleeping quietly "upon both ears." Our baron then had a fine time splitting the heads of men who were entirely unprepared to resist; he triumphed without difficulty and pillaged without restraint. The king declared that the offended party should not be allowed to make war upon the relatives of the offender until forty days after the dispute, in order that they might have time to learn of the quarrel and prepare for defense.

The reader sees all the barbarous absurdity of these wars which should at least have been limited to the two principals without involving their relatives. He also sees how little chivalry there was in these chevaliers.



## CHAPTER XX.

### *FURTHER SUBSTITUTION OF TRIBUNALS FOR PRIVATE WARS AND JUDICIAL DUELS.*

Saint Louis went much further than Philippe-Auguste. He made it possible for any one who, through fear or for any other motive, did not wish to make war, to prevent his adversary from making it upon him. According to the terms of the decree he had only to demand *assurance* from his adversary, that is to say, assurance of peace, and the latter, according to the same decree, could not refuse to give this assurance, if, in addition, the first one declared that he submitted the decision of the suit or of the quarrel to the tribunal of the suzerain seigneur. Saint Louis decreed the penalty of the gallows for any refusal of the assurance. He made the decree obligatory not only upon the domaines, the states of the king, but also upon all the fiefs of France. In this matter he overstepped his rights as suzerain. In his *states* he ventured even more; he forbade, purely and simply, all private war; it was too much, far too much, for the age. He

was not obeyed. A hundred years later the kings were still not powerful enough to absolutely prevent these wars, at home, in their own states; they did not even try to do so, and contented themselves with compelling the observance of the *king's quarantine* as far as possible.

Saint Louis also attacked the judicial duel. The other trials which we mentioned in passing, the trial by fire, the trial by water, etc., had almost fallen into disuse; they had found that God did not always interfere to make the elements declare the innocent; but, strange to say, the judicial duel had remained as vigorous as ever. Whenever a cause seemed somewhat obscure the judges at once rid themselves of the difficulty by ordering a duel. And it must not be thought that the duel was accorded only to the nobles; the common people might demand it and obtain it, first among themselves, then even against the nobles, on condition, for example, that they should enter the lists armed with a simple stick and a leathern buckler against the noble fully armed and mounted on his battle-horse. In case a noble demanded to fight with a villein he had to fight on foot and with the same weapons as the villein.

The reader must not think that the principals alone fought together; they fought with those witnesses whose testimony troubled them, and

in order to obtain permission for such a combat they had only to charge the witnesses with falsehood; it can be imagined whether witnesses were eager to come and enlighten justice when the declaration of truth involved the risk of their lives. It is true that they could be, and often were, represented in the fight by a substitute; *champions* were there, offering their services to whoever would pay for them.

The principals could also fight with the tribunal; it was permitted to him who thought himself unjustly treated to *fausser* (impeach) the judgment, that is, to declare the judges false and disloyal magistrates, and if the judges succumbed, one after the other, it was admitted that they had indeed judged unjustly; the skillful pleader won his cause. This must have cooled any desire on the part of the barons to sit in judgment. However warlike a man may be, he does not seek dangerous quarrels for the simple pleasure of doing a service to the public by performing a duty which, besides, is an onerous one.

Saint Louis abolished the duel in his states; but even there, where he was the sole master, he was forced to recede. Under his successors, the duel was not absolutely forbidden, but permission had to be asked of the king, who sometimes granted it in order not to appear to have predetermined to forbid it in every case.

## CHAPTER XXI.

*AGGRANDIZEMENT OF THE ROYAL POWER—UNIFICATION  
OF LAWS—MANUMISSION OF SERFS—DECLINE OF THE  
POLITICAL STRENGTH OF THE TOWNS.*

Philippe le Bel is in fact the first modern king, the first prince who had a full and complete conviction of the unlimited right of royal authority; the first one, also, who bore himself correspondingly whenever he found himself the strongest. It is not, perhaps, that he was more capable, more intelligent than his predecessors, that he looked further into the future and foresaw what was to come, but a strong fondness for despotism, a tyrant's character, took in him the place of this foresight; and, then, he never knew what a conscience was. Louis VIII. and Philip the Bold were scrupulous men (especially Saint Louis), who allowed themselves to be influenced by ancient ideas, and who, when met by the protestations of feudality, asked themselves whether the rights claimed by the seigneurs were not really valid; Philippe le Bel never felt any doubts of that kind.

In the twelfth century, after so many sterile ones, there was a sort of renaissance; poets, philosophers of real talent had at last appeared; many men had begun to study antiquity. While some minds were filled with a boundless admiration of Greek philosophy, others were enthusiastic over Roman law. Roman law had remained the law of the southern provinces. At the time of which I am speaking, the taste for the study of Roman law had spread beyond these provinces. In the districts where the common law ruled, the judges, the lawyers, the men occupied with law, comparing the diversity, the confusion of their customs with the beautiful, logical simplicity of Roman law were all filled with dislike of their own and an infatuation that knew no bounds for Roman law. The latter became, in their eyes, the model upon which they should gradually make over their customs.

Now, how had this ancient Roman world, whose institutions were so greatly admired, been governed at the last? By an emperor, by the absolute power of a single man. The emperor was then the living-law. Consequently, all the jurists taught, propagated the idea that the king, as the representative of the emperor in society, ought to remain the only and absolute master of all, nobles as well as villeins,

priests as well as laymen. "As the king wishes, so wishes the law," became the maxim of all the bourgeoisie occupied in the study of law or in business. Feudality, already so bitterly hated by the people, by the bourgeois, saw a new class of men rise up against it, men who were educated, laborious, active, endowed with the firmness that is given by the practice of logic, and animated by an aversion that was both instinctive and justified by reason. Naturally, royalty had to make use of these men, to make of them its judges, administrators, and agents. They came recommended by their devotion, their superior knowledge, and by public approval, for at that time public opinion made much of knowledge.

The royal *sénéchaux* and *baillis*, and the members of the parliaments had, at the beginning, been for the most part nobles, men of the sword. Under Philippe le Bel this class disappeared almost entirely from public positions and was replaced by jurists. With these newcomers the juridical war, war with decrees for its weapons, which royalty had begun against the seigneurs, was carried on with incomparable energy and harshness.

We find at this same moment in our history an important revolution in the condition of the mass of the people, a revolution which must be

mentioned here although it was not a result of the movement that has just been described, but was developed alongside, as it were; it is impossible not to note it in passing.

There had been manumissions at all times, but they were rare, when compared with the mass of serfs and mainmortables, and did not do much to affect the general servitude. While a serf was freed here and there, divers causes reduced some freemen every day to the position of serfs. In many places the free stranger who came to settle found himself after a little while a serf. It may be said that whoever became poor in the country, by misfortune or misconduct, was obliged, unless he became a vagabond or a thief, to submit himself to serfdom in order to live. The calling of day-laborer did not exist; the poor man could not live if he had no land; he asked it from the seigneur, and the seigneur gave it to him on the hardest terms, just as a seller sells at the highest price goods which are absolutely needed.

In the thirteenth century there was a marked tendency among the seigneurs to free the serfs in great numbers. An opinion spread that it was a good plan, and, indeed, the opinion was very correct. As the serfs and mainmortables did not work for themselves they worked very

badly. It took centuries to recognize this fact, but at last, in the thirteenth century, it was recognized. Besides, they did not set them free gratuitously, they sold liberty. In addition to the sums which the freedmen still had to pay under the name of cens, and in addition to the taille which they also continued to pay, and the tithes and the corvees, they bound themselves to pay also a special cens as the price of their liberty. In short, what did they buy? They bought the right to make savings, if they could, and to leave them to their children; that of marrying without asking permission; the right to dispose of the land they cultivated, on the condition, of course, that he who took it should assume all the obligations of his predecessor. If then the serf gained his severance from the land, the right to move away if he wished, the seigneur did not lose much.

The kings of France manumitted still more freely in their seigniority than the other seigneurs. Finally, on July 3d, 1315, the king, Louis le Hutin, set all the serfs free by a decree that is still celebrated. This decree proves beyond a doubt that it was not through any sentiment of justice, or of disinterested humanity, or of religion, but through self-interest and calculation, that the seigneurs brought about



this revolution. Louis le Hutin said, in his decree, that his officers should be charged to arrange with the serfs the terms and the price of their manumission. These terms were found so onerous in certain places that the serfs preferred to remain serfs. Philippe le Long, the successor of Louis le Hutin, claimed the right to force them to buy their liberty. The record of the parliament of Paris contains bills authorizing the serfs to remain in servitude, as they had petitioned; so disadvantageous for them was liberty!

Nevertheless, whether the serfs generally accepted what was offered them, or whether they were forced to accept it, it is certain that after this time serfdom was much restricted; it disappeared entirely in certain provinces.

Wherever it persisted it diminished steadily as time passed. It is impossible to know exactly the proportion of serfs to free peasants at each epoch. In 1789 there were still a few serfs in almost every canton in France.

On the other hand, it is also the moment when the communes begin to decline visibly, after having reached their highest point of prosperity, of liberty. They have done against feudalism, not all that it was in their nature to do, but all that fate reserved for them; they have weakened it greatly, they have disorganized,

disaggregated it. They, in their turn, will perish under the deadly pressure of royalty. The royal power, to which they have conceded the right to judge them, to govern them directly, is busied everywhere in drawing for its own advantage the ultimate conclusions from this dangerous principle. It interprets the principle against the communes by requiring the *taille* from them, by supervising the nomination of their officers. The *baillis*, the *sénéchaux* of the kings in reality elect; they allow or cancel, as they please, the orders of the elected magistrates. Nothing is any longer done within the commune without the consent of these two powerful personages. By paying *tailles* the communes supply the king with the very means of preserving his power, of increasing it, of having and supporting numerous bands of constables who will henceforth make resistance impossible, either by the communes or the seigneurs. Let the bourgeoisie, the inhabitants of the towns, create wealth and increase it every day; henceforth they labor for royalty, they earn for it the means with which to pay for the machinery and the constables needed to reduce all to obedience.

At the point we have now reached, the victory of royalty over the nobility and the people is not yet complete, but it is assured. The

hardest part is done, the rest will certainly come with time. Doubtless there will again be short periods of reaction, of temporary movements backward toward the re-establishment of feudality, as occurred at the beginning of the reign of Louis le Hutin; but they will be only insignificant oscillations. The social body, irrevocably started in the modern path, will not turn back; the claim of the king to be the supreme and final master is established in every mind. This idea has taken possession of the conscience, and that is enough to make sure the final triumph of royalty. Events, disasters will avail nothing.

The very war with the English, that is, the war which the kings of England carried on against our kings in order to dispossess them of the throne of France, this immense desolation which lasted for a hundred years, did not arrest the course of affairs; one of our kings, Charles VII., could even, in consequence of English victories, sink to the lowest depth of weakness; none the less did royalty remain in principle the sovereign power before which all others had to bow. The day after he had at last driven the English from the kingdom, Charles VII., who had long been called derisively king of Bourges, found himself as completely master at home, over the seigneurs, as

if nothing had happened. Royalty had not lost an inch of ground, and the feudal barons had to bow before it, willingly or unwillingly, because its right had remained unquestioned in the mind of the masses; so true is it that the right, or that which is thought to be the right, always rules the world.

## CHAPTER XXII.

### *CREATION OF A STANDING ARMY.*

Charles VII. did two things which strengthened and made uniform the conquests of his predecessors. He made the *taille* and the army permanent.

In the permanent army the king had thenceforth in his hands a force entirely his own and always ready for use against the nobles. Formerly the army was an assemblage of nobles who had come at the call of the king to serve for a rather short time fixed by the feudal law.

When this time had expired the seigneurs separated, returned home; the army melted away. And then, naturally, this army animated by the feudal spirit was not very manageable. Suppose the king wished to subdue one of his great vassals who was in revolt: in the first place, all the petty seigneurs who were subject to this great vassal, instead of joining the king's army, went on the contrary to form that of the great vassal and support the revolt. Even those who joined the king were not, for

the most part, desirous to gain a complete triumph for him; they were fearful of being too victorious, for they well knew there was a community of interests between them and the vassal. Thus, the feudal army was neither convenient nor sure for the kings; while the permanent army, composed of men who expected to live upon the king's pay, who had left their homes and families for good, had no other interest than that of the master who paid them.

The permanent army had still another effect; it enervated the nobility. The more energetic, more warlike nobles entered the army as its officers. Once enrolled they contracted the habit of passive obedience, devotion to the chief, the point of honor of fidelity, which in all times have been the characteristics of military bodies; the king could safely turn the arms of these nobles against their fellows and even against their own families. Those seigneurs who remained in their castles were only called upon at long intervals to aid in war, on occasions when the regular troops were not thought sufficient; they lost, in consequence, the warlike spirit, the taste for, and familiarity with the use of, arms; they became less restless, less bold. With permanent troops the art of war necessarily improved; for it is certain that men quickly come to understand the things with

which they occupy themselves exclusively and of which they make their business. Whenever the seigneurs were called out as a feudal army, which happened occasionally down to the time of Louis XIV., it was seen that the superiority of the permanent troops over these old-fashioned bands was constantly increasing. Finally, the feudal army seemed ridiculous beside the permanent one, and under Louis XIV. they ceased to call it out.

## CHAPTER XXIII.

### *ESTABLISHMENT OF THE COURT BY FRANÇOIS I.*

It was François I. who invented what was called the *Court*. The court had a decisive influence upon the manners of the nobility. These seigneurs, whose respect when at home in their castles royalty found it difficult to compel, will, when once at court, voluntarily prostrate themselves before it and become its slaves with all their heart. What then was the court? In two words, it was this.

The king lodged and fed at his home, in some large palace arranged for the purpose, the best of the French seigneurs. Some of these seigneurs remained about him with the title of officers of *his household*, as chamberlains, officers of the king's kitchen, officers of the stable, of the hunt, etc. A great number of household positions were created merely as an excuse for their presence. Others remained there without functions, simply as guests. In addition to being lodged and fed, both sorts



were usually pensioned. A third class was only lodged, they fed themselves; but all were diverted, amused, entertained, with fêtes and pleasures at the expense of the king. Balls, tilts, gorgeous ceremonies, grand dinners, gaming parties with ruinous stakes, theaters, gatherings animated by the presence of beautiful women, continual entertainments of every kind where each could choose, where refined and cultivated minds as well as the frivolous and debauched could find an interest, such was life at court. It was a very different thing from the monotonous and brutish life of the feudal seigneur confined to his castle in the depths of his province. So, from all sides the nobles thronged to the court; they came there for the satisfaction both of the most elevated tastes and of the coarsest passions. One comes with the hope of making his fortune, for, if the king wishes, he can enrich a man by a word. Another presents himself in order to obtain rank in the army, a lucrative position in the treasury, an abbey, or a bishopric. After the kings had a court they made it almost a rule to give nothing except to seigneurs living at the court. Seigneurs who persisted in remaining in their castles had in their eyes the appearance of sulking, of finding fault, of being in the opposition, as we should say. "They must really have been very

coarse people, not to be attracted by the polish of the court; in any case, it was very insolent on their part to show so little desire to see their sovereign, to live honorably under the same roof." Such, practically, was the opinion held by the kings concerning the provincial nobility; such, at least, was the opinion of Louis XIV.

Ambition drew nobles to the court; ambition, love of society, dissipation kept them there. To incur the disfavor of the master, to be exiled from the court, was to lose, in the first place, all hope of advancement, of aggrandizement; it was also to fall from paradise into purgatory. There were some who died of it.

Yet, life at court was much dearer than in the castles; there was here, as in every society where each is constantly in the presence of his neighbor, an unbounded rivalry as to who should shine most brightly, should be the most magnificent. The former revenues of the seigniorry sufficed no longer. And yet, so far from increasing, they actually grew less, as the inevitable result of the absence of the seigneur. While each day he increased his expenditures at Chambord or Versailles, his steward, left alone at the castle, under no control, feathered his nest and forwarded less money each quarter. To continue to lead this life the seigneur was forced to ask, to beg, for a pension from

the king. The ancient pride, the feudal independence had fallen very low.

How were the pensions, ranks, positions, all the favors obtained? To what virtue, what merit, did the kings pay most heed. It was not the civic virtues, ability, services profitable to the public that they prized and rewarded above everything; what affected them most in a man were, naturally, devotion to themselves, blind obedience, flattery, commonplace.

Throughout the middle ages royalist sentiments, affection, admiration for the king had been peculiarly the possession of the people and the bourgeoisie, who saw the king only afar off, who looked upon him as their natural protector against the tyranny of the great, and, holding this opinion, persisted always in making light of the faults of the government. The nobility had long remained refractory to these sentiments because its interests were opposite. But, after the creation of the court, having abandoned the idea of resisting the king and embraced that of making use of his favor, they had to change their attitude and language, and give themselves with more or less sincerity to the admiration, the worship of royalty, like the other classes. Thus all competed to raise the idol far above the earth, far above simple mortals, even to the clouds. The chorus of all their

voices became perfect under Louis XIV. So, Louis XIV. received intoxicating homage which made him believe he was a god, or at least a demigod.

## CHAPTER XXIV.

### *THE FALL OF THE FEUDAL SYSTEM—MODIFICATION OF THE TAILLES, CORVEES, BANALITÉS, ETC.*

We have seen feudality arise; we have studied it fully formed in its essential elements. We have seen by what steps royalty rose in opposition to it, and with what weapons it attacked it. We have now to follow the dismemberment of feudality piece by piece. Let the reader recall the elements of which we spoke, for our purpose is to show him how each of them was gradually lessened and finally abolished. It must be premised, however, that the destruction of feudality was not accomplished by royalty; the Revolution was needed to complete it.

*The taille.* We have seen (p. 103) that the seigneurs levied an ordinary, usually annual, taille, and an extraordinary taille on certain fixed great occasions, usually four in number, hence the name of taille *aux quatre cas*. It must be said that this taille "aux quatre cas" was levied not only in the small estate that belonged di-

rectly to the seigneur, but also in the other seigniories that were subject to him; in other words, the seigneur required the taille "aux quatre cas" from his men and also from his vassals, the latter of course, getting it back from their own men. When the kings asserted their claim to the suzerainty of all the seigniories of the kingdom they required, as a consequence, the taille "aux quatres cas" from them; and, beginning with Saint Louis, after they had established their claim by force, they actually levied the taille everywhere. But they substituted for the occasion of a crusade a more frequent one, that of war. The kings levied the taille in case of any war whatsoever. Under Philippe le Bel it was demanded and paid almost every year, for one reason or another. This, doubtless, did not prevent the seigneurs from requiring the ordinary taille from their men; but it did prevent the peasants from being able to pay it, they had no money remaining. Besides, as the kings insisted that their tax should be the first collected, they forbade the seigneurs to take anything from their men before this had been done. The seigneurs had to reduce their taille very much or be satisfied to collect but a small part of what was demanded.

Under Philippe le Bel an institution appeared, the history of which is closely bound up with

that of the taxes, and which, furthermore, played an important part under the old régime. I refer to the *états généraux* or assemblies of the deputies of the nation.

The *états généraux* (States-general) were convoked for the first time by Philippe le Bel who found it convenient to have the support of the deputies of the nation in a quarrel he had with the Pope. Subsequently they were called together very irregularly and at long intervals by the kings when the latter thought it profitable to do so, either for the purpose of thwarting turbulent nobles or to make them vote extraordinary taxes. When a pressing interest did not override every other feeling the kings were afraid of this assembly. This explains why from 1303, the date of the first convocation, to 1789, that is, during a period of about five hundred years, this assembly met only thirteen times. The fourteenth assembly of the States proclaimed itself the national assembly; it began the Revolution; which shows that the kings certainly had some cause to fear it.

Now the assembly of the deputies is held every year. The deputies who compose it are voted for directly by every Frenchman who is of age. The deputies are all on an equality, and the vote of each is counted; each votes for himself.

The deputies of the States-general were divided into *three orders* or three classes, like the nation itself. There were the deputies of the nobility, those of the clergy, those of the *tiers état* (third estate), that is, of the bourgeoisie and the people. They voted, not by individuals, but by orders; so that the *tiers état*, the oppressed class, had only one vote in this assembly, while the privileged classes together had two.

To return to the *taille*. The war against the English gave rise to a multitude of *tailles* and exhausted the country districts. At that time, more than ever, the king took from the peasants the little they might have, and not much was left for the seigneurs to take. At the end of the war Charles VII. substituted for the feudal army, composed of the direct and indirect vassals of the king, permanent bodies of hired soldiers. At the same time, on the pretext of paying these troops, he made the royal *taille* annual.

The seigneurial *tailles* still remained. The seigneurs could even levy them at home without asking permission of the king, but as for the amount of these *tailles* and the way in which they should be paid, they had to conform more and more to the custom of their province. The complaints and reclamations of those who were



taxed were no longer passed upon as heretofore by the seigneur's judge, but by the parliaments,<sup>1</sup> by the king's judges. The latter, naturally hostile to the seigneurs, kept strict watch usually that they exacted nothing beyond their due, and, if the seigneur's right seemed a little obscure, they even decided quickly against him. So that after all it was the king, or the king's men, who, indirectly, authorized or forbade the seigneurs to levy their tailles. This condition of things lasted until 1789. At that time, still, some seigneurs made their subjects pay the taille.

*The corvee* was reduced even more than the seigneurial taille by the tribunals of the king, the judges of all suits between the seigneurs and the subjects. A system of decisions that bore heavily against the seigneurs was established; corvees that were not supported by positive written documents were abolished. Upon this point they did not admit the authority of custom or the testimony of the past. This put an end to a multitude of corvees. In addition, all that were not clearly specified and limited, such, for example, as required indefinite services from

<sup>1</sup> *Parlement* was the name given to a certain number of higher courts, each of which had the final decision in matters occurring within its jurisdiction. They also served to verify and register the decrees and orders of the king.—*Tr.*

the peasants, like tilling the seigneur's land when he wished it, driving his horse when he traveled, etc., were regulated by these tribunals and limited to what the service of the seigneur reasonably required. They forbade the seigneurs to give or sell to another the hours of work due from their men, the result of which was that the seigneurs had no interest in exacting more than that which they needed for themselves. Finally, they compelled them to feed the men and beasts during the corvee, which discouraged them from requiring corvees that were not indispensable. The corvee was quite light everywhere upon the outbreak of the Revolution; still, it was detested by the people as a sign and a memorial of their former servitude.



*The banalités* (p. 104). A royal decree abolished, in the sixteenth century, all that were not verified by documents. If this decree had been carried out strictly it would have put an end to all the banalités. There were almost none based upon a written agreement. The seigneurs protested; that followed which often happens when a law is too severe: they applied it to the weak, the petty seigneurs who were without influence, and they overlooked the powerful. In 1789 the seigniories in which there were still any banalités were rather scattered.

*The tolls*<sup>1</sup> grew less and less numerous; over this matter, as over the others, the king's tribunals exercised a favorable control. They required that the seigneur should prove by document the legitimate possession of the right. By their inability to meet this requirement very many seigneurs were forced to renounce this feudal custom. Those that were left were regulated by the tribunals; each tribunal fixed the tariff for its district. Louis XIV. afterwards established by decree a general and uniform tariff; it is true that this decree, like so many others, was executed rather irregularly. On the other hand, the kings sometimes gave seigneurs the right to establish new tolls; but as they always abolished more than they made, there were fewer in existence in 1789 than in the middle ages. It must be said, however, that so many had existed at that time that even after the diminution effected by the kings the tolls were still far too numerous in 1789. Commerce could never have developed at its ease under this system.

The *droits de layde* or *de tonlieu*, fees which the seigneurs collected on merchandise sold in the markets and market-places of the seigniory, were still more reduced. The seigneurs, besides, had to obtain the consent of the prince

<sup>1</sup> A tax levied on travel or transport over roads, bridges, etc.

to continue to levy them. In quite a number of places the prince, making a pretext of the obscurity of the custom, took to himself the care of the markets and the fees pertaining thereto.



## CHAPTER XXV.

### *PERSISTENCE OF FEUDAL MANNERS AND CUSTOMS— FAILURE OF JUSTICE AGAINST THE NOBLES.*

We have told how royalty failed to root out feudality entirely; we have shown how much remained legalized on the eve of the Revolution; but there remained much more of it in the customs, the practices, than in the laws. The seigneurs allowed themselves many other liberties than those established by decree.

At every period, and even at the outbreak of the Revolution, there were seigneurs who lived entirely after the fashion of their ancestors in the eleventh century; *en brigands*, this was the accepted expression. Upon the estates of these seigneurs all the abuses, all the excesses of the old feudal system persisted without a single exception; private wars, unrestricted corvees and tailles, continual pillage of the peasants, everything down to the asserted right to coin money, and false money. Under Louis XIV. at the time when royalty was most pow-

erful, it would not be difficult to mention a hundred nobles, known brigands, who lived as they pleased upon their peasants, maltreating, assassinating even, at need, whoever dared to resist them. We cannot enter into the details of this subject; but, that the reader may have an idea of the disorders that were possible under the most absolute of kings, we will say a word about the *great days of Auvergne*, held in 1665.

This tribunal, composed of members of the parliament of Paris sent to Clermont in 1665 to try crimes committed by seigneurs who had at last worn out the royal patience, had not less than thirteen thousand criminal cases to try. In a single sitting it pronounced fifty-three sentences of death. These figures show the sorrowful condition in which the people of this province must have lived under the tyranny of these savage country-knights.

This feudal anarchy, which, in peaceful and comparatively well-ordered times, persisted only in a certain number of seigniories, sprang up everywhere and invaded every place whenever the royal authority was embarrassed and the public peace troubled; most of the nobles always nourished at heart their traditional contempt for the law and their claim that the peasants belonged to them entirely.

The reader may ask why royalty, with so many tribunals, so many agents of every sort, did not succeed in preventing this multitude of crimes. He will be much more astonished still if we tell him that the men convicted at the *grands jours d'Auvergne* of which we have just spoken were executed in effigy only, and that the rigor of the judges proved at the last an actual mystification of the people. A year after all this noise and show of justice the condemned seigneurs returned home and there continued tranquilly to prey upon the peasant as if nothing had happened. To explain this inexplicable toleration we must remember what the ancien régime was.

No one among the rulers of the time, neither ministers nor kings, had a clear idea of law, of what it should be, of the inflexibility it ought to have. No one in the government was capable of understanding that if a decision was once taken or an order made it should be carried out imperturbably, without regard to the rank or character of the persons affected by it. On the contrary, the rulers at that time allowed themselves to be biased always by the position of people, by their fortune, by the splendor of their name, by the greatness of their family; they never applied the law rigorously except to those who could offer none of

these recommendations. To apply the law uniformly, with equality, would even have seemed to the men of that age to be the mark of a subversive and almost revolutionary spirit. This was precisely the impression produced by Richelieu when he sought to strike down nobles and plebeians with the same impassive justice./

There is more. It often happened that a king, listening to no excuse, ordered a powerful culprit to be punished, and that, in spite of the king, he remained unpunished. This was because it was not so easy for the agents of the king as for their master to lift themselves above the dreaded influences exerted at that time by certain stations. Caught between the anvil and the hammer, what did they do? They satisfied their master and at the same time saved their own interests by a pretense of execution. Besides, it was known that the judicial rigor of the kings was not lasting. /The nobles overreached the prince by means of their friends, by their relatives, or, as the prince was not everywhere, by his representatives, the governors of provinces, intendants, judges, etc. Those who could not be bought over were intimidated. One can imagine whether impunity always possible, and even probable, did not encourage them to multiply their crimes. Whoever had an influential protector, near by or afar



off, in his family, or among his friends, risked and ventured his head to satiate his passions with eighty chances in the hundred of not losing it./

It must also be borne in mind that the king's people who were charged with the administration of justice often had in themselves that spirit of violence and wrong-doing which was so widespread at that time among the upper classes. It can be seen, for example, in the administrative documents of the period, that the royal provosts tyrannized over the people in many places with the same criminal violence as did the seigneurs. Many judges, in the parliaments and *présidiaux*,<sup>1</sup> (their contemporaries bear witness to it) had a reputation for venality, for corruptibility, which was not at all slanderous. Such people, naturally, offered many opportunities to a rich man desirous of evading justice. Then, the material conditions in France were very different from those of to-day; the easy course which justice has now, it could not have then, in a country almost without highways and roads, where travel was difficult, where news spread slowly, where there were neither journals nor

<sup>1</sup> The *présidial* was a court having final jurisdiction over minor cases, those, for example, in which the sum involved was not greater than two hundred and fifty livres. The more important cases were tried in the *parlements*.—*Tr.*

publicity of any kind. It was very much easier then than it is to-day to hide a crime or to stifle the report of it in its own narrow locality.

It must be remembered, too, that many nobles lived still in their old castles, in remote places, difficult of access; on the least threat they intrenched themselves there with a small troop of bandits. To execute the order issued against them by the judges it would often have been necessary to support the officers of the court by a batallion of troops, to carry on a siege, to lose twenty or thirty soldiers. The governor or the intendant shrank from the enterprise, because, to accomplish it, it would have been necessary to make twenty, fifty others like it in the province; a small army would have been needed.

The kings, then, fought with, overcame the seigneurs, but did not subdue them. Let me add that they could not subdue them. They were incapable of giving France complete security and order as the Revolution did. Why? For several reasons: but the best one is that they were absolute. / With absolute monarchs there is never regularity, uniformity, stability, or universality, either in the laws or in the execution of the laws; and, with less than that, order and security are impossible. / The reader will presently understand better what I wish to say.

## CHAPTER XXVI.

### *THE ANCIEN RÉGIME FROM THE SIXTEENTH TO THE END OF THE EIGHTEENTH CENTURY.*

We have seen how royalty increased and spread, how it confined feudality within narrower and narrower bounds; we are now about to show what absolute royalty was, when at its fullest expansion, what excesses of its own it substituted for those of the system it had overthrown, in other words, for what new ills the people had exchanged their former wretchedness.

We shall present in general terms (and without noting the incidents, the variations of secondary importance, for we have not the space needed for that); we shall present, I repeat, in general terms the ancien régime as it was from François I. to Louis XIV., from the sixteenth century to the end of the eighteenth.

First, at the apex of society, an absolute monarch, to whom everything in the kingdom belonged entirely. This king is looked upon as the representative of God upon the earth. If the king does wrong, God will perhaps punish

him for it in the other world, but in this world he has no account to render to any one whomsoever. We shall see how many disorders, excesses of every kind flowed naturally from this monstrous error.

Wherever the king's will is law, there is, necessarily, no law. What is law, indeed? It is a duty imposed on all citizens, without exception, as equal each to the other. In an absolute monarchy the king declares, according to his own good pleasure, that such a thing or such another thing shall be the duty. It is he who creates the duty; and it is very natural that, having imposed it, he should consider himself able also to relieve any one from it if he sees fit. Naturally too, he exempts from it those whom he charges with the execution of his orders or whom he distinguishes by his favors. There soon arises a class of men who are superior to the common obligations. As the king has withdrawn his ministers, his favorites from under the control of the law, so they, in imitation of him, exempt in their turn their favorites, their servants. Thus, step by step, all who have any share, however small, in the government manage to evade the law; the law, then, seems made solely for the common people, for those who are without fortune and without credit, and for that very reason it is despised.

Every man seeks to evade it, whenever he can do so without too great a risk. When we examine the ancien régime attentively we see that the orders of the king were always executed irregularly, were observed by this one and not by that, were enforced here and neglected there. There is no regularity, no equality, no stability.

The king, looking upon himself, too, as living justice, put himself above the decisions of the courts; he had no more respect for judicial decrees than for the laws of the kingdom; he punished, as he chose, those whom the courts had acquitted, or released those whom they had condemned. The intendants, the governors, the officers who represented the king in the provinces, following his example again, held themselves superior to the courts; they laid claim also to impunity, not only for themselves but for their relatives, their allies, their friends, and usually, by their high position, they discouraged the severity of the judges; and thus punishment, like the law, seemed made only for the humble.

Whoever was an agent of the government, or sustained by an agent, or who only believed himself sure of support because of his birth or his fortune (and such formed a considerable class), being no longer restrained by the fear

of sure punishment, easily allowed himself infractions of law and even of honesty. It was inevitable.

The hope of impunity is too strong a temptation; it is certain to corrupt in time. Those who, having neither credit nor power, could not expect impunity, despised that justice which they saw so unequal, and thereby lost one of the chief reasons a man can have for remaining honest. You see in what way absolute power was a general cause of deterioration. Thus is explained the almost universal dishonesty manifested by the agents of the ancien régime in the exercise of their functions. Without this dishonesty we should not be able to explain the wretchedness of the people: the taxes which royalty laid upon the subjects were, unquestionably, excessive; but still they would not have sufficed to exhaust the people as they did, if the agents had not greatly added to them.

Under an absolute monarch all the agents of the government, from the ministers down to the lowest clerks, are *absolute*; they all violate the rights of private persons and act arbitrarily. They act arbitrarily, because they have little reason to fear that the complaints of private persons against them will be listened to. A private person who complains to a su-

perior officer about his subordinate is not listened to, because the superior sees in him a spirit of resistance and of criticism which might easily rise later to his own height; he makes haste to rebuke it. Reciprocally, the subordinate is zealous to carry out the arbitrary decisions of his superior; he serves his despotism with ardor, knowing well that if the tyrannical will ceased above he would be forced to stop his own petty tyranny below. Now, no man voluntarily gives up tyrannical power. An equitable administration, under a prince who does not recognize in his subjects any rights that limit his power, has never been seen and never will be seen; it is a contradiction, as it were.

Thus, absence of law, absence of justice, speaking strictly, were the first and inevitable results of absolute power.

A man who can do what he will cannot be wise in his desires, or remain so long, for human wisdom is hardly anything else than the forced return of man upon himself when he meets the resistance of other men. He who meets resistance nowhere soon ceases to recognize the limits of what is just or reasonable. After our kings had become absolute they planned and attempted in outside politics all kinds of useless or foolish enterprises in which they wasted the blood and wealth of

France (except at a few periods when all-powerful prime ministers, like Richelieu and Mazarin, made the kings adopt a wiser policy). Charles VIII., Louis XII., François I. had a passion for conquering all or a part of Italy. Why? Because that country pleased them by its climate, its artistic civilization, its brilliant and facile manners. All the French nobility, it must be said, shared the same enthusiasm; but the kings should have been able to resist it; on the contrary, they maintained and prolonged it. François I., besides, wished to be emperor of Germany, which brought France into conflict with the house of Austria represented by Charles V. Charles V., at that time king of Spain, of the Low Countries, of a part of Italy, master of a vast empire in America, and, finally, emperor of Germany, almost crushed France by his superior force; a little more, and the kingdom would have lost in this war some of its provinces.

The civil wars between the Protestants and Catholics which broke out under the grandsons of François I. prevented for a century any great enterprise by our kings against the neighboring princes, and reciprocally. But, after this effervescence was stilled, and when our princes had leisure to meditate anew over what they called political plans, the great wars recom-



menced. Louis XIV. wished to take Belgium away from Spain, then to conquer the Dutch, who wanted nothing to do with us, and finally to put one of his grandsons on the throne of Spain, of which France certainly had no kind of need. This unreasonable ambition caused a coalition of Europe against France; our country ran a serious risk of being dismembered; it was saved only by a few happy chances upon which we had no right to count;—but it was not saved from want.

The country was exhausted of men and money for a long time. The people suffered unheard-of ills. There were famines as in the middle ages. The peasant was reduced to live upon raw or boiled roots and herbs. A dreadful kind of bread, made of all sorts of things, except wheat, became a choice and aristocratic viand. That is what the fine policy of the Great King did for France.

That of Louis XV. had not even a constant and plausible motive. He engaged in two long and disastrous wars: one against Prussia in aid of Austria, one against Austria in aid of Prussia, and that in the hope of getting some slight territorial advantage, some cities that were anything but indispensable to us, as well as for that vague and visionary advantage which they call preponderance. This

time we lost only the greater part of our colonies in America and India, together, of course, with many men and much money, things that were matters of entire indifference, without doubt, in a country already ruined by Louis XIV., where the peasant had neither assured food, nor a shirt, nor a suitable garment, nor even a good thatch upon his little house; where agriculture was at a stand-still; where, for lack of labor, vast tracts remained swampy or fallow.

The richest nation in the world soon became unable to supply an absolute king with all the money he needed, because human nature is insatiable. Great as may be the resources of a nation, the expenditures of a prince whom nothing checks are always greater. And then, in his imprudent greed, he exhausts the savings of his people, so that they are unable to regain their wealth. To lavishness is added disorder, waste. What is seen in the house of a reckless prodigal takes place on a large scale in such a nation. We have had very few, I will not say economical, but reasonable kings. The expenditures, always out of measure, differed only in their nature, from reign to reign, according to the character of each king. Louis XIV., in his quality as Great King, united all kinds of expenses: war, fêtes, the theater, building of palaces, etc.

The kings, moreover, always had, in the seigneurs of the court, efficient aids in spending the nation's money. The salaries, the pensions, the gratuities, the presents to princes, dukes, counts, etc., made up one of the most respectable chapters in the budget of the time. So the tax was often swallowed up a year, two years, even more, in advance. The history of France shows incontestably, that absolute governments are needy, and that, with all their magnificence, they are constantly in straits and living by expedients; another cause of wretchedness to their subjects, as we shall see.

## CHAPTER XXVII.

### *TAXES AND IMPOSTS UNDER THE ANCIEN RÉGIME.*

A short examination of the system of taxation under the ancien régime will be sufficient in itself to justify the criticisms just made.

The principal taxes (for I wish to speak only of those) were the *taille*, the *aides*, the customs, and the *gabelle*.

✓The *taille* corresponded to our tax on real estate. It was levied on hardly more than one-third of the inhabitants. Nobles, priests, employees of every kind were exempt, and they found means to exempt their farmers, so that the tax which, if spread over all, would have been easily borne, crushed by its weight the third in question, and with all the more reason since this third was composed of poor or straitened farmers. The amount of the *taille* was fixed each year for the whole of France and distributed among the intendancies (or provinces) by the royal council. It must be added that the royal council named whatever sum

it pleased. No tax-payer could foretell in any year how much would be required from him in the next. They asked for neither his consent nor his opinion; in a word, the *taille* was arbitrary.

Each intendant distributed among his parishes the amount of the *taille* imposed upon his province; finally, in each parish it was distributed among the inhabitants by the collectors.

The collector was not a public officer as the tax-gatherer is to-day; each inhabitant did the work in turn. The collector, then, was usually a coarse peasant who could neither read nor write.

To understand his embarrassment it must be known that there was then no cadastre, no precise means of estimating the landed property of each, and that the collector was responsible for the collection of the tax; he had to pay for those who failed to pay. It was to his interest, therefore, to put a larger share of the tax upon the peasants who were able to pay; I say peasants, because the collector, however strong his wish, hardly dared to tax the rich bourgeois; the latter, moreover, would certainly have found a way to obtain exemption from the intendant. Next to the well-to-do peasants, the persons whom the collector taxed most heavily were his enemies, with the certainty that they would do

the same by him when they in turn became collectors.

Thus, the general practice among the peasants, to keep their taxes as low as possible, was to pretend poverty; each sought to make the least visible expenditures. The consequences were most disastrous: they cultivated with the fewest cattle possible; they did not improve the land. If you had offered to give cattle to a peasant in those days he would have refused them; and he would have done right, for the intendants and the collectors were on the watch for the slightest sign of prosperity to increase the tax at once.

Another means universally employed was to pay only penny by penny and under constraint, so as to discourage the collectors for the future. A writer of that time, Bois-Guillebert, has left a striking picture of the collection of the *taille* in the villages. The collectors, he says, (there were usually several) met at the wine-shop and there decided upon the sums to be assessed upon the different inhabitants; they were often more than three months in reaching an agreement. When it was finally agreed to begin the collection, they started out, and, as they were exposed to insults and even worse, they were only willing to proceed to collect in a body.

While these seven or eight collectors pass

through the streets in one quarter, exciting a tumult of cries and imprecations as they pass, the collectors of the preceding year, who have not yet finished their collection, do the same in another quarter. Neither collect anything but insults. The intendant becomes impatient and sends out a squad of constables and sergeants; but it is not yet serious, the people pay the constables for their errand and ask the sergeants to drink, and they go away without having harmed any one; they return in the same way five or six times; and it is quite an expense for the village. But, Monsieur l'intendant cannot be kept waiting forever. The constables return the seventh time, and this time they are in earnest; they seize all the cattle in the village, without regard to who has paid or who has not paid, for the village as a whole is held responsible for the tax. Then tears and grinding of teeth begin. The cattle of the poor rustics are sold, and, if they prove insufficient, the wretched furniture is taken next; they go so far as to carry off the doors and shutters; they even tear down the hut, if necessary, and sell the bricks and the beams. Nothing is seen or heard but women shrieking and lamenting. After all this, the sum yielded is still less than the amount of the tax. The constables seize the collectors and carry them off to prison in the city. The vil-

lage has further to pay for the support of the collectors while in prison. After a few months they come out, sick and ruined.

The next year it will be the turn of others to pass through the same wretched experience, to reach the same result. "It is thus," says Turgot, "that all the well-to-do families of a village are successively reduced to poverty."

Notice, if you please, the vicious circle: because the tax was too heavy, because it was too unequally distributed, because it was increased by the enormous expense of collection, finally because the seizures which followed and were carried out as a sort of pillage destroyed much property, for these reasons the tax caused each year the ruin of a crowd of people; each year added to the number of the insolvent and reduced that of those who could pay a tax of any size; and consequently each year prepared more expense, heavier losses, wider ruin for the next. The ancien régime led fatally to a vast catastrophe.

During the last centuries of the monarchy the tax levied upon wine sold at retail was called the tax of the *aides*; this tax amounted to a fourth, even to a third, of the price of the wine. Thus, for a bottle costing twenty cents the tax was from five to seven cents; but it must be said, in passing, that still other taxes burdened this article, especially the city



tax, the *octroi*,<sup>1</sup> when retailed within the cities, and it was seldom sold at retail except there for reasons that will presently appear. The tax of the aides together with that of the *octroi* was often equal to the cost of the wine. Therefore, a retail merchant had to sell a twenty cent bottle of wine for forty cents to cover his outlay. As a matter of fact, he sold it for a much higher price; and for this reason. The tax clerks had not only the right of drawing up charges, which were always accepted as correct by the judges,—but also an interest in making as many of them as possible, because a third of the penalty fell to their share. So, at every moment of the day, they were visiting the cellars of the merchants to verify the sales. The slightest suspicion of fraud was treated by them as a certainty; but, indeed, the merchants were usually cheating, as is always the case when a tax is too high. The clerks consequently had all the dealers in their power, as the result of the excess of their own authority and of the dishonesty of the dealers. They abused their power first to ruin all the village shops, over which it would have been difficult to watch; in the cities they allowed only a few taverns or inns to remain, on one

<sup>1</sup> *Octroi*, a tax levied upon provisions brought into the city.—*Tr.*

condition: that they, the clerks, should supply the wine. They all engaged in this business, buying cheaply from the owners of vineyards, and selling again, at a very high price, to these poor tavern-keepers who were in their power. The result was that wine was excessively dear in the towns, its price far above what workmen could pay; and this was the case not only with wine but with all other provisions, the tavern-keepers making the excuse that, as they lost upon wine, they had to make the loss good by raising the prices of other articles. In the country only the makers of wine drank it. The traveler journeyed seven or eight leagues on the highways without finding other means of quenching his thirst than water from the brook.

The exorbitant dearness of wine leads me naturally to another tax well suited to increase this dearness and to make other articles dear. I refer to the *customs*. To-day, we still have about our country a cordon of officers who levy certain taxes upon goods that enter or leave it. These taxes are paid into the treasury of the state; nevertheless, the state, in maintaining its custom-houses on the frontier, looks less to the profit, to the tax itself, than to a certain economical result. If foreign goods brought to us are taxed, it is mainly with the object of increasing their cost when they are cheaper

than domestic goods of the same kind, in order that the foreign merchant shall not take away all the customers of the native merchant. It is a very erroneous theory; but, after all, such as it is, it is the theory that prevents the abolition of custom-houses. Well, in former times, these custom-houses, which we have pushed back to the frontier, were maintained within, between our own provinces; they made each province a kind of foreign country for the others (with the exception of Normandy, Picardy, Champagne, Burgundy, Berry, Anjou, and Maine, which, after 1664, formed, with reference to this, one and the same group and had a single line of custom-houses for all). Thus goods, in passing from one province to another, paid on the one side for the privilege of leaving, and on the other for that of entering. They paid as often as they crossed a province. The duties exacted were considerable, but what was still worse was the bad faith and the arbitrary dealing that were always found in the officials of the *ancien régime*. They had a singular practice; instead of fixing the sum the goods should pay, they required the merchants to give in writing the quality, quantity, weight, and measure of their goods, and the amount of the tax as estimated by them, the merchants. If the merchants erred

in this calculation the officers confiscated the goods, on the pretext of fraud, and it was precisely that they might have an opportunity to confiscate that they had invented this extraordinary practice.

I must remind you here that the roads were usually barred at different points by order of the seigneurs, the owners of the region through which the road passed, and that the traveler had to pay the agents of the seigneur for permission to pass. These tolls were still quite numerous in the eighteenth century; there was hardly a bridge of any size, or even a ferry, across a river that had not its toll. We have just seen that the taverns were very dear; the roads, too, were few and very bad. Transportation was, of necessity, discouragingly slow, and was often accomplished only at great loss of goods and horses. And so, what followed? It followed, for example, that wine, which the merchant bought in Touraine for two cents the liter, cost him twenty cents after he had transported it two score leagues, and that while selling it for ten times as much as it cost, there was still no profit for him, and this too without taking into account the risks and the annoyances to which he was subjected by the government all along the road. It needed courage to engage in business in those days.

The *gabelle* was the most detested of all the taxes, and it well deserved to be. The *gabelle* was the tax on salt, or, to speak more correctly, a tax in connection with salt. The state alone had the right to sell salt, it alone had a store of salt. Naturally, the state sold its merchandise for more than it was worth; but that was not all, and if it had been all, the people would have borne it patiently; but the state compelled each subject to buy a fixed quantity of salt, the quantity differing in the different provinces. The price, too, was variable; there were some provinces, even, which did not pay this tax. We shall presently see the consequence of this diversity. So, then, each one was obliged to go to a government storehouse for the quantity of salt which he was compelled to take, whether he needed it or not. He received with the salt a ticket of *gabèlement*, so-called. This salt was called the "duty salt," and, the fact is a singular one, it had to be reserved for daily use; they were not allowed, for example, to use it in making salted provisions, but were compelled to get more for that use, even when they had more of the duty salt than they needed.

Now, see what resulted. As the price of salt varied greatly in different places, and was dearer everywhere than it should have been, large prof-

its were found in selling contraband salt, or in buying the duty salt from private individuals at the places where the price was lowest and carrying to those where the price was highest. Of course this trade was forbidden; it was called the *faux-saunage* (contraband salt trade). Nevertheless, many men engaged in the business, and in some districts most of the peasants neglected agriculture and carried on this contraband trade in salt; every one, even the priests and soldiers, were mixed up in it; and thus, by making laws that every one was tempted to break, and which many did break, the defective administration of that time depraved the people politically.

The profit which they found in defrauding multiplied the frauds at first enormously; then the frequency of the frauds and the difficulty of suppressing them led to atrocious penalties. The contraband dealer in salt was fined heavily for the first offense, and sent to the galleys for the second, and, if he was armed or one of a band, he was sent to the galleys for the first offense, and hung for the second. It must not be thought that this did not often happen. There were each year three thousand five hundred imprisonments and five hundred condemnations to severe or capital punishments for smuggling salt. At that time the salt smug-

glers executed in France were seven or eight, perhaps even ten, times more numerous than the murderers executed nowadays. The gabelle had an actual army of guards, and gendarmes; the sum of the lines between the provinces watched by these guards in the interest of the gabelle, amounted to twelve hundred leagues.

The search for smuggling was an excellent pretext for the guards to trouble the people in a hundred ways. They came to the villages when not expected, entered the houses, and demanded from every one his ticket of gabèlement. Woe to him who had mislaid it! he was a smuggler and was treated as such. Then they compared the ticket with the amount of salt remaining. If there was none, or but little, they compelled the purchase of a fresh supply. If the supply was complete or nearly so, it was plain you had bought contraband salt;—accusation, fine. Between having too much and not having enough there was only a line, and the agent drew it where he chose. Finally, if you wanted salt in large quantity for special use you were by no means sure of obtaining it; a short time ago they wanted to sell you too much, and now they refused it to you, for, who can say that you do not mean to sell it secretly to the smugglers?

This beautiful system made four thousand domiciliary seizures every year, and along its

twelve hundred leagues of internal frontiers it was constantly exchanging shots with the smugglers or collaring the peasants. Never was there a greater fiscal absurdity.



## CHAPTER XXVIII.

### *THE FARMING OF TAXES.*

A few words must be said concerning the means by which the taxes were collected. The *taille* was *en régie*, in the hands of the administration, that is, it was assessed and collected by agents appointed for life or temporarily for that purpose; it was the system which is to-day in use for all general taxes. The *gabelle*, the customs, the *aides* were *farmed*, as the *octroi* still is in some cities. These taxes were put up at auction; the highest bidders (it was not a thing that a single individual could undertake) bought the right to collect these taxes, the amount of which was, of course, unknown, and to retain for their profit the excess over the price agreed upon.

✓ This is the way it was done. Forty or fifty of the richest bankers formed a company ("farm") to buy the farming of the three indirect taxes. They were shrewd enough to take into their company some associates who, although less

rich, were magistrates or members of the parlements (see p. 149), and thus they obtained interested supporters in the class of those who exercised power. They took care, also, to buy up, before the sale of the taxes, the princes, the powerful lords in favor with the king, and the officers charged with the supervision of the auctions. Having thus won over to their own side all who might have enlightened the king or protected the interests of the kingdom, they got the tax at a very low price. They then created an actual army of employees, officers as well as subalterns, whom they spread over the country to levy the contributions. The government was supposed to have established an exact tariff of the taxes which should be exacted by the farmers; but, as a matter of fact, this tariff was far from being precise; besides, who was to compel it to be respected? The officials were won over; the judges were associates, accomplices, or bound by family ties, by similarity of position, to other judges who were accomplices. The farmers, the *traitants*, as they were called, could therefore strip the country with impunity. Their agents, their employees, from the highest to the lowest, were filled with this idea of impunity; the leaders, on the other hand, whose object was, not to administer the law well, but to make large gains, only demanded from the agents that they

should collect the largest possible sum, and valued in them only that kind of talent.

Under these circumstances, the agents of the tax-company were, and necessarily had to be, dishonest, without sense of obligation to the public, vexatious, and violent. The company extorted from the people five or six times more than they had a right to ask. As, on the other hand, they had bought the tax for a small sum, they gained enormously on both sides. For every crown which the government received from the farm, the farm took ten from the public.

One would ask how so improper a condition of things could have lasted for a long time; for, after all, if the subjects were interested in not being robbed, the government was interested in having the tax turned into the treasury and not diverted into the pockets of the traitants; but it must be remembered that the government had put itself in a position that made it dependent upon the bankers. Nowadays the government makes its expenditure correspond to the tax; it lives each year upon the revenues of the year, or nearly so. In those days the government had borrowed from the tax-farmers the tax for one year, two years, three years in advance, and had spent it. It was always living upon the revenue of the future advanced by the farm. Suppose they had wished at any time to abolish

the system of farming and to collect the tax by government officers; they would have found it necessary to wait three or four years, or even more, before they could have had a penny of it to spend. The disorder, the prodigality, inseparable from absolute authority had brought the government into dependence upon the bankers, and the bankers plundered France.

And then, as we have said, the bankers were very powerful; powerful by the paid support of the courtiers, by that of the chief officials and of the magistrates. If a king had wished to make any change in this detestable system of taxation he would have been at once deafened by the reclamations and the complaints of all those who surrounded him most nearly, who lived about him, in his palace, even; they would have made his life intolerable. Such a king would have needed a mighty passion for the right; and that is a character seldom found in absolute monarchs, at least it was not found among ours. Louis XVI., the best meaning of our kings, abolished the corvees and corporations for eighteen months or two years, and then re-established them. This is the best proof that reform was possible only through the Revolution./

## CHAPTER XXIX.

### *EXACTIONS AND RESTRICTIONS IN THE DAILY LIFE OF THE PEASANT.*

The peasants had corvees to do for the king, as they had them to do for the seigneur. The seigneurial corvee, as I have said, was lightened as time passed, and became more rare; the royal corvee, on the contrary, became daily heavier and more frequent. The intendants used and abused the peasant for very varied labors. Did they wish to open a highway or even to repair one? They made requisitions upon the peasants, although peasants at that time made but little use of the roads. Did they wish to build barracks or a storehouse? Quick!—the peasants. Did a regiment change its quarters? again, peasants were called upon to transport the baggage. Were convicts to be taken to the galleys? it was again the peasants who were called upon at the successive relays to furnish the horses and carts. When the work was a large one they collected numbers of men with their cattle, bringing them even from a great

distance; and it would not do to delay, for the intendants punished or imprisoned the disobedient at their pleasure. They had, moreover, no regard for times or seasons or the needs of the crop. The peasant had to go at the first order, and must not spare his cattle. Many perished, and the peasant often returned alone from the corvee, without his oxen, without his horse, despairing, ruined; and there was no indemnity. According to law, the state was bound, in certain cases, to supply food during the corvee; but that was one of those ideal arrangements which the intendants found it too difficult to carry out. Is this all?—Have we finished with the taxes paid to the king? No, but all cannot be told.

To give an exact idea of the condition of the peasant, it is necessary here to recall briefly the taxes due to the seigneurs which were payable at the same time with the others. There was the seigneurial *taille*, the *cens* (p. 61), the *lods et ventes* (p. 106), the *droits de layde* (p. 106) on goods sold in the markets and market-places, the *banalités* (p. 104), the corvee.

There were the seigneurial dove-cote, rabbit-warren, and hunt. I will say a few words about these, of which I have not yet spoken. The seigneur alone was allowed to have a dove-cote, and he raised flocks of pigeons. He alone,

too, had the right to keep rabbits, and he raised an army of them. The seigneurial pigeons and rabbits plundered the country thoroughly, the one eating the grain, the other the vegetables. Neither must be harmed by the peasant; whoever killed a rabbit was punished very severely; with certain seigneurs it was simply a hanging matter. Other game was equally protected; the seigneur alone had the right to kill any beast of the field, and he was almost as jealous of his hunting rights as of his more important prerogatives.

When the seigneur hunted, his dogs, horses, and huntsmen swept across the fields like a storm. The hedges, the inclosures were broken down; for, legally, the peasant should not inclose his property, since that would interfere with the seigneur's hunting. Even walls were often ordered by the seigneur to be torn down on the occasion of a great hunt. As for the thoughtfulness, the consideration, the self-restraint shown by the seigneur in the pursuit of his pleasures, we can imagine what they must have been from the general character of this class as we have described it.

After this, is it necessary to say that all Frenchmen, except a small, insignificant number, were the prey of poverty?

## CHAPTER XXX.

### *THE DESTITUTION OF THE PEOPLE IN THE SEVENTEENTH AND EIGHTEENTH CENTURIES.*

Here is the testimony of contemporaries concerning the general situation during one of the so-called glorious periods of our history (from about 1650 to 1750). We cannot transcribe all the testimony here,—but must be content with quotations at intervals of about ten years, as the reader can see.

*Extracts from a Letter written by the Mother-superior of a Convent at Blois.*

“1662.

“There is nothing more true than that in Blaisois, Sologne, Vendomois, Perche, the region of Chartrain, Maine, Touraine, Berry, part of Champagne, and other places, where wheat and money are lacking, there are more than thirty thousand poor reduced to the last extremity, and most of them are dying of hunger. . . . The poor are without beds,



without clothing, without linen, without furniture, in short deprived of everything; they are as black as Moors, most of them looking like skeletons, and the children all swollen. . . . . Many women and children have been found dead in the roads and in the fields, their mouths filled with grass. . . . . M. Boullon, the vicar of Saint-Sauveur at Blois, declares that he has seen children eating excrements; and, what is stranger, that he has seen two of them in the graveyard sucking the bones of the dead which had been thrown out in digging a grave. The priest writes also that he has been told the same thing by several of his chaplains who were witnesses of this unheard-of spectacle."

*Letter from the Duc de Lesdiguières to Colbert.*

"1675.

"SIR,—I cannot delay to tell you of the misery to which I see this province reduced; trade has absolutely ceased within it, and from all sides they come to beseech me to inform the king of the impossibility of their paying the taxes. It is declared, Sir, and I repeat it for your information, that most of the inhabitants of this province have lived during the winter solely on bread made of acorns and roots, and

that now they can be seen eating the grass of the fields and the bark of the trees. I feel myself obliged to tell you of things as they are, and will then carry out such orders as will please his Majesty."

*Letter from the Abbé Grandet to the Bishop  
of Angers.*

"1683.

"We enter houses that are more like stables than the dwellings of human beings. We find mothers with children at their dry breasts, and without so much as a farthing to buy milk for them. . . . Some of the inhabitants eat only bread made of ferns; others go three or four days without tasting food. . . "

At about the same time the intendant at Bourges wrote: "There are no people less civilized than these. They are sometimes found in bands in the country, sitting together in some cultivated field and always far from the roads; but if they are approached they at once disperse. . . ." An illustrious writer (La Bruyère) painted the same picture with more striking colors: "One can see certain wild animals," he said, "scattered over the country, black, livid, and all burnt by the sun, attached to the land which they grub with an invincible persist-

ence; they have a sort of articulate voice, and, when they rise to their feet, they show a human face, and in fact, they are men. They retire at night into dens where they live on black bread, water, and roots. They save other men the trouble of sowing, cultivating, and harvesting in order to live; and they deserve that they should not lack the bread they have sown.

"I know it is necessary to seize upon lands, to carry off furniture, to have prisons and punishments; but, justice, laws, and needs apart, it is always a new thing to me to contemplate the ferocity with which men treat other men."

Fénelon wrote to the king: "Your people are dying of hunger. Cultivation of the fields is almost abandoned; the towns and the country are depopulated; all trades languish and no longer support the workmen. . . . . Instead of taking money from these poor people, alms should be given them, and they should be fed. The whole of France is nothing but a great hospital stripped and without provisions. Popular excitements, which for a long time were unknown, are becoming frequent. . . . . You are reduced to the deplorable alternative either of letting sedition pass unpunished, or of massacring the people whom you drive to despair, and who perish daily of diseases caused by fam-

ine. While they lack bread you yourself lack money, and you are not willing to recognize the extremity to which you are reduced."

*Year 1698.*—This is the condition of France as described by the intendants:

"In the district of Rouen, in Normandy, which was always one of the most industrious and well-to-do provinces, of 700,000 souls there are not 50,000 who eat their bread at ease and sleep upon anything but straw.

"In the district of Caen, the population has been reduced one half by misery.

"District of Alençon. It is touching to see everywhere half the houses falling to ruin for lack of repairs and care; the owners commonly are not sheltered in them, and poverty spreads everywhere a gloom and a ferocity that are surprising.

"The district of La Rochelle has lost a third of its population by various causes, and among them poverty. The peasants are obliged to do without necessary food. They die before their time, because the least disease readily destroys these bodies worn out by inanition and suffering.

"The peasants of the district of Moulins are black, livid, and almost hideous; they live on chestnuts and turnips, like their cattle.

"In the district of Riom, the peasant drinks the oil of nuts; it is almost his only food, and it

is astonishing when we consider that the country is so fertile; but the taxes laid upon the people do not allow them to enjoy the natural advantages of their country.

“In Dauphiny, general misery.”

And the condition throughout France was the same as in the districts just described.

1707.—A great man, Vauban, writes: “The tenth part of the people are reduced to actual beggary and, in fact, are beggars (say 2,000,000 beggars in a population of 20,000,000); of the other nine-tenths five can give no alms to the first, because they are themselves very nearly reduced to the same unhappy condition; of the remaining four, three are very badly off.”

1725.—In a letter written by Saint-Simon is the following: “The poor people of Normandy eat grass, and the kingdom is turned into a vast hospital of the dying and despairing.”

1740.—Bishop Massillon wrote to Fleury, the Minister: “Monseigneur, the population of our country districts live in frightful misery, without beds, without furniture; most of them even, during half the year, have not enough of the bread made of barley or oats which is their only food, and which they are obliged to tear from their own and their children’s mouths in order to pay their taxes.

“Every year, Monseigneur, I have the pain

of this sad spectacle under my eyes, in my visits. Now, Monseigneur, it is certain that in all the rest of France there are none more poor, more wretched than these people; they are so to such a degree that the negroes of our islands are infinitely happier, because, by working, they are fed and clothed, they, their wives, and their children; while our peasants, the most industrious in the kingdom, cannot by the most persistent toil earn bread for themselves and their families, and also pay their taxes. If any intendants of this province have spoken differently, they have sacrificed truth and conscience for miserable riches."

1745.—The Duc d'Orléans, as he handed some bread made of ferns to Louis XV., said to him: "Sire, this is what your subjects are living on."

## CHAPTER XXXI.

### *THE CONDITION OF THE WORKMEN AND ARTISANS IN THE CITIES—THE RESTRICTIONS LAID UPON THE CHOICE AND EXERCISE OF A TRADE.*

We shall now describe as briefly as we can the condition of the workmen and artisans in the cities.

We said something about them when treating of the communes; the reader will remember that this class freed itself from the tyrannical power of the seigneurs by means of the communal revolution and then acquired a more or less complete political liberty. The royal authority began to increase again at the same time, and so long as it remained weak and obstructed, communal liberty thrived. The workman lived under the rule of popular magistrates in whose nomination he had taken part; he himself often became a magistrate; his intelligence, his activity, his habits improved rapidly under these political conditions, which, unhappily, soon came to an end. For, as soon as the royal power had gained a little strength it took part in the affairs of the communes, nominated

the magistrates, directly or indirectly, and reconstructed the constitutions of the towns, the so-called charters of the communes, after its own fashion and to its own profit. Liberty was confiscated; the workmen and the artisans, having ceased to be citizens, were confined exclusively to their shops and their trades.

Let us see what was the social organization under which they lived; we must go back for a moment to the middle ages to understand it properly. We will first describe what it was at the beginning, and what it became, gradually, under the more and more controlling influence of the royal authority.

Nowadays, whoever wishes may become a merchant. I take an example to make it clearer. If a man wants to be a locksmith he has only to open a shop, and buy locks, bolts, etc., ready made, or have them made for him by workmen. He sets whatever price he pleases on his goods. He sells good ones or bad, according to his honesty or his skill. If people find his goods dear or of poor quality they do not buy them. People have to protect themselves. The locksmith, on the other hand, cannot prevent another locksmith from opening a shop alongside of his; he has to protect himself against competition by honesty and knowledge. In this respect we live



under a system of liberty, where each man does what he pleases, at his own risk, and each can rely only upon himself, and must use his brains to live. Consider, next, the workmen of this locksmith of whom we speak. They make whatever contract they please with their master, they hire themselves by the month, the year, or only by the day, they remain in one city or they go to another in search of work; all these things depend only upon them, upon their will. What I have said of the business of a locksmith is just as true of all others. In the middle ages, at the earliest moment at which the plan of industrial organization is recognizable, we find each trade forming a body, a *corporation*. For example, the locksmiths in each city, instead of living and working separately, each entirely independent of the others, as is the case to-day, lived and worked after a certain obligatory fashion which was determined by the rules of the trade. Who made these rules? The locksmiths; they met and drew them up, then they had them approved by the authorities, either the king, or the seigneur, or the city magistrates. In return, the authorities aided the *corporations*, the guilds, in compelling obedience to the rules; still, the control was in the hands of officers chosen freely from among the members of the

guild, and elected for one or for two years by the votes of all. These officers were usually called *prud'hommes*; they were two, four, sometimes eight in number. It was the rules, and the *prud'hommes* charged with enforcing their observance, that bound all the locksmiths of a city together. Now, with what object did the locksmiths thus yield all or a portion of their personal independence and submit themselves to a general law; what was the spirit of this organization? That is what we have now to examine.

The principal object of the locksmiths, in forming themselves into a corporation, was to limit competition. They wished to set up for their own advantage what is called a monopoly. Consequently, their rules, in the first place, forbade any stranger to sell in the city locks, bolts, manufactured iron, anything, in a word, that belonged to this trade; the same prohibition was laid upon any inhabitant of the city who was not a *master-locksmith*. In order to sell hardware, therefore, one must be a master-locksmith. Let us see how a man could become a master-locksmith. In the first place, the number of masters is fixed by the rules; it must not exceed twenty, let us suppose. To become a master-locksmith, then, it is necessary to wait until some one dies and

leaves a place vacant. But there are other conditions: the candidate must have been an apprentice for five years and a "companion" or journeyman for five years more.

Suppose a lad fifteen years old aspires to become a master-locksmith, he must first obtain a place as apprentice under a master. The number of apprentices is fixed, as is that of the masters, and usually at one for each shop. If then each of the twenty shops, in the example chosen, has its apprentice already, the lad must wait until one of these apprentices shall have been advanced to the grade of journeyman. When this happens he goes to the master and makes a contract of apprenticeship. By this contract he binds himself to work for the master five years, without pay, and, in addition, to pay down at once a sum fixed by the rules. This sum is about a third or a half of what could be earned in a year by a workman in that trade, and it is a very heavy burden. The master, on the other hand, agrees to lodge, feed, and clothe the apprentice.

When the five years have expired our lad becomes a journeyman; and in some cases he has to pay on this event a small sum into the common treasury of the guild. As journeyman, he begins to receive pay; but he cannot work except under a master; he is forbidden

to work for private parties. If, at the expiration of his ten years, he wishes to become master, and if there is a vacant place, he must first pay a third sum, a little smaller than the first one, and he must be accepted by the masters. His fate is in their hands; they can reject him as incapable or as of bad character. Notice that this workman is a rival, more or less formidable according to his ability, to each of his judges; if he is skillful there is good reason to fear that he will be rejected as incapable, and furthermore he is threatened by other chances. There is a place vacant, it is true; but the masters find a pretext for leaving it indefinitely unfilled, it is their interest to do so; or one of the masters has a son, or a nephew, who has reached manhood; he has only to ask for the place to receive it. Such a one does not need to have been an apprentice or a journeyman; he has only to pay half the usual charges, and he is excused from making the formidable "masterpiece," *chef-d'œuvre*, which ordinary workmen have to submit to the examination of the masters when they wish to be received into the guild. Everything is arranged, you see, to concentrate, as it were, the trade of locksmith in a few hands, and, so far as possible, in the hands of a few families, who transmit it from father to son.

As I said, I have taken the locksmith's trade as an example; but it will be understood that all the other trades were organized in the same manner.

When a merchant has no rivals he usually takes advantage of it to sell inferior articles at a high price; it is a trait of human nature, and was as well known in the middle ages as now. Hence, to avoid the inconveniences which must have resulted necessarily from the monopoly granted to each guild in its kind of work, the public, or the government, subjected the guilds everywhere to a rigorous system of examination and police. Consequently, the rules adopted by each trade under this pressure of opinion, or of the authorities, embraced minute directions how the products of the trade should be made. For example, the rules of the cloth manufacturers described with the utmost detail the manner in which each cloth should be woven, its length and breadth, the number of the threads, etc. No piece of cloth could be sold until the *prud'hommes* had verified its conformity with the regulations. After verification and authorization it was stamped. At first sight, we might suppose that this system had the advantage of preventing all fraud in trade and protecting the purchaser. As a matter of fact, it was not so

efficacious as it seems. The history of the guilds is filled with suits, sentences, confiscations, and fines imposed upon fraudulent artisans.

The rules, though they did not prevent fraud, did, on the other hand, prevent every innovation, all progress. An inventor, whose work should differ from that of his fellows, would be liable to be treated as a falsifier:—a convenient state of affairs for an idle or unintelligent tradesman who wished only to get rich by following tranquilly in the steps of his fathers; he was not in danger, as nowadays, of seeing a fellow tradesman take away his business by some stroke profitable to the public. The rules did not guarantee the buyer against fraud, but they guaranteed the merchant in his jealousy of the skill of an intelligent rival.

I said jealousy, and this was certainly the trait of character which dominated trade in former times; this trait shows itself prominently in the suits constantly brought by the different corporations against one another. Those whose trades resembled each other were continually quarreling. One would try to prevent another from making, would try to reserve for itself, some mixed article which, by its nature, might belong equally well to either. Thus, the Paris tailors, who had the exclusive right to make new clothes, carried on suits during centuries

against the second-hand dealers who had the exclusive right of repairing clothes. The suits of shoemakers against cobblers were scarcely less numerous; those of bakers and pork-merchants against the keepers of wine-shops, to preclude the latter from selling bacon and bread; the button-makers against tailors and repairers to prevent them from making buttons for use in their own trades; and in like manner with the other guilds.

Such were the characteristic traits of guilds in their original state; we shall now see how the royal authority modified them.

Liberty of trade never actually existed within the corporations; but still so long as the communal life was vigorous and the royal authority was weak the corporations at least obeyed only the laws they had made for themselves. The rules were made either by a general assembly of the members of the trade or by chosen representatives. Moreover, the trade supplied from among its own members the officers, the guards, whose duty it was to inspect the shops and stores and to see if the rules were observed. The royal authority took all this upon itself, not all at once, but little by little as time passed.

In the last centuries of the monarchy rules for the trades were made by the government alone. The guilds had no longer any rights in

this respect. A minister like Colbert was of course more enlightened than the average artisan. Regulations drawn up by him were certainly clearer, more precise, and wiser than they would have been if they had come from another source, but they were also more complicated. One result of mental superiority in this case was that no detail escaped being the subject of a rule, nothing was left unregulated; the smallest openings that might have given opportunity for invention or progress were detected and closed hermetically. A minister, too, was more jealous of his authority; he wished to be better obeyed, and he had at his disposal much more numerous laws, penalties, and agents than the guilds. The very strength and perfection of the governmental machinery served to make the subjection more complete.

Even with the genius of Colbert, it was impossible to foresee all that human ingenuity was capable of inventing in the way of tricks and expedients in its conflict with the regulations and in its attempts to elude them (often at the demand of the public, which, as we know, is always desirous of novelty). Whenever new circumstances arose new rules had to be added; they took good care not to overlook it. And so the regulations became as extensive and as full of directions as a code. It was almost impossi-



ble for an artisan to remember all these directions, and he was consequently always violating one or another.

When the law is such that it cannot be fully obeyed, the punishment of those who do not obey it is necessarily irregular and arbitrary, because it is impossible to punish everybody; only the poor wretches are punished, while the rich and powerful are spared. The public ends by despising the law, and if there are in the law any serious, legitimate directions mixed with the absurd ones, all are held alike in the same contempt. It so happened with the artisans of former times. Grave failure in commercial honesty, and the neglect of an insignificant detail of the regulations were punished equally. Whenever the artisans were able to do so they violated the rules and deceived the customer, with no more remorse in one case than in the other. Absurd laws always pervert the public.

The regulations concerning the trades had still another result. They almost put a stop to progress during five centuries. There are five almost barren centuries which show far fewer inventions than the first thirty years of ours.

Little by little, too, the royal authority took possession of the right to appoint the guards, the inspectors of the trades. When these agents

were appointed by the guilds they were elective and temporary; afterwards they were made royal officers and appointed for life, but not appointed for nothing. They bought their positions from the king, as did almost all the functionaries of the old régime. They were of course reimbursed by the fees which the artisans had to pay them at every visit, and also by their share of confiscated condemned goods. A great number of officers were needed to oversee all the trades in all the cities of the kingdom. But the kings were not satisfied with what was needed in this respect. They invented a multitude of useless and even absurd places. The reason is easily understood. By the creation of these positions the king obtained money very easily; it was an indirect tax which cost nothing to collect, for a position was no sooner created than some *fool* (this is the word used by a minister of the period) presented himself to buy it and pay for it; it then became his business to reimburse himself by annoying the artisans. So it became one of the expedients of which the monarchy made the greatest use. On the slightest call for money, they created places, and sometimes for very considerable sums. It is also true that they often abolished them soon afterwards, and the fool lost his money. When money was again needed they created the same positions

again, and the same fool was not always even wise enough not to buy a second time.

The kings made use also of the same means to make presents to their courtiers. For example: Madame la Duchesse de X—— married; the king signed as a witness and had to give a present. If he was short of money he invented some position like examiner of wigs or measurer of logs, and gave it to the bride, who sold it and kept the proceeds.

Usually the artisans united to purchase these places themselves and leave them vacant so as to escape the vexations and demands of the overseers or inspectors appointed by the king. Knowing this, the king took no pains to invent reasonable offices with any practical value; he knew the functions would never be really performed.

It must not be supposed that after the guilds had once bought up the positions they were thenceforth free of them; no. Royalty never prided itself upon being honest with the peasants and workmen who were its subjects. Louis XIV. made guilds pay even five and six times for the abolition of a place.

The king also sold letters of mastership, that is, he sold the right to become a master in this or that trade without having first satisfied the conditions imposed by the rules of the trade.

But if the former masters in the trade were willing to pay the king a higher price he would then withdraw the right he had sold. He sold them also, on occasion, the right to exclude all new masters during a certain length of time, or to exclude all except the sons of masters, the effect of which was, of course, to make the trade more lucrative by restricting the exercise of it to fewer people.

What I have now said is sufficient to show that the savings of the working class were always in the power of the king, and he did not disdain to take them.

In addition to these private taxes made especially for them, the guilds bore the weight of the aides and tailles like other people.

Lastly, besides the public charges they had also private ones which cost them quite dear. First, there were those constant suits of which I have spoken; they became more numerous, the further things went. And then, whenever a new master was admitted, or the son of a master was baptized, they prided themselves upon having the religious ceremonies on a grander scale than the neighboring guild. After the religious ceremonies came the entertainment of the guild, and all this outlay absorbed, and even exceeded, the sums paid by the apprentices and journeymen. Every year the

guild was obliged to borrow. Some of them were so deeply in debt that no one was willing to become a member.

In hard times, so common under an absolute monarchy, the consumption of articles of prime necessity was greatly restricted, and that of other articles almost ceased; consequently stoppages of work were frequent in every trade. As the result of all these causes it was very hard for an artisan to become rich, and it rarely happened; but, on the other hand, as the number of artisans in each trade was very limited, they could and did combine among themselves to keep the price of goods sufficiently high. They were almost never reduced to utter poverty. The extremes in trade we see to-day were not seen then. Good workmen and poor, good masters and poor, lived about equally well, in a condition that was very moderate, very straitened, but never utterly wretched, and nearly always the same. This class had bread to eat, unless, as happened often enough, it rose to a fabulous price. They had some furniture, and their Sunday coats, which, if well taken care of, would last ten years or even for life.

When we speak of the working class of the old régime we must rid ourselves of modern ideas. It may be said that to-day the workmen or artisans constitute almost the entire

population of each city. Under the old régime they formed, as compared with the mass of the nation, a not very large class, a privileged class, a kind of aristocracy, and I am speaking now not only of the master but also of the journeyman, for, after all, these men had the privilege of working, of practicing a trade, which was not possessed by every one.

The right of working freely at a chosen trade, this right which seems to-day so natural, was then looked upon as opposed to good order, to justice. If a man, for any reason, was obliged to quit his place as a tiller of the soil, to leave the country, or if he shrank from the hardships of that occupation and wished to try his fortune in the city, what employment could he find there? Only the trade of beggar, of vagabond, or of thief. I insist upon this point, for it has not been sufficiently noticed. The beggars and vagabonds formed a class that was very numerous throughout France; it was a very considerable portion of the French people, and that not so much in consequence of the vice of the individuals as of that of the institutions.

As, under the Roman empire, the greed of the nobles and the governing class had excluded the people for centuries from landed property, had caused them to die of hunger, of want, alongside of vast tracts of land held

as waste commons, so, in like manner, did the old régime forbid admission into existing trades, and into a hundred others that might have been created, to a crowd of men who would have entered willingly and who would have escaped poverty for themselves, thereby, and, at the same time, have enriched the nation. These beggars, these vagabonds of whom I have spoken, bore in themselves, unwittingly, those rich inventions, those forces, and those endless resources which have burst forth only in this century and which would have come earlier if liberty had sooner cast down the barriers of labor.

## CHAPTER XXXII.

### *THE EFFECT OF THE REVOLUTION OF 1789.*

Such was the condition of the people in 1789 when the Revolution broke out.

What has been the work of the Revolution? It must be told briefly. The nation was divided into three classes: the nobles, the priests, the people. The two former scarcely contributed at all to meet the cost of the social organization, while they enjoyed all its advantages. The clergy owned a third of the soil and levied tithes upon the rest. This rest either belonged directly to the seigneurs or was burdened for their advantage with divers and very heavy charges.

The Revolution, first, freed the land from these charges. It put back the nobles and the priests under the control of the principle of equality, which is the same thing as justice. There were no longer privileged classes; every one paid taxes, and every one could aspire to office.



All men equal before the law, that is one of the grand aspects of that new society which the Revolution created.

Citizens had not been guaranteed in any way against excesses of the government, and God knows whether the government had not committed excesses! The Revolution placed limits upon the authority of government and imposed guarantees in favor of the citizens; this is the other grand aspect of its work, by which it is related to liberty. Equality, liberty: there, in two words, is the whole Revolution.

The Revolution was not easily carried through; without and within, it met with raging, furious resistance. Like the sea obstructed by a dike, the Revolution with pitiless fury broke down all resistance; it fell into deplorable excesses; but these excesses were not the Revolution; they speedily passed away, while the principles, the monuments, have endured.

## CHAPTER XXXIII.

### *THE FUTURE.*

And now, is the work of the Revolution complete? Has the society that issued from it realized at all points the ideal which, so to speak, was committed to it? No, evidently.

As regards equality, the Revolution is three fourths complete; equality before the world has yet to follow equality before the law.

The world still makes a distinction between the bourgeois and the workman or peasant. This is due less to the fact that the latter work with their hands, or lack means, than that they lack education. The day when the workman and peasant shall possess elementary knowledge, the distance will be greatly diminished; and that day is perhaps near. The time when workmen shall have more than elementary knowledge is far more distant, but fortunately that is not needed to abolish the remaining distance; it will be sufficient if a certain number of workmen become as well educated as the bourgeois.

The two classes, for there are only two now, are still distinguished from each other by externals, by their dress; but the difference becomes less apparent daily. It is through the women that the classes tend to become alike in externals. Women are more impatient of inequality. They are often blamed for it; preachers and moralists rival each other in rebuking them because of it, and, in one sense, they are right. A woman sometimes exceeds her means, and her expenditures straiten the household. But when her circumstances are easy that ambition is praiseworthy, because of its results.

It is certain that bourgeois and workmen will not associate freely with each other, as it would be advantageous for them to do, until there is no longer any marked difference between them in externals.

What will happen in France can be easily inferred from what happens in the United States, a country further advanced than we, and one which possesses this interest for us, that it shows us where we are going; it shows us our own image in the future.

In the United States the workman wears working-garments during the day, blouse or jacket, it makes no difference, and it could not be otherwise; but when his work is over he dresses himself like any one else, that is, like a

gentleman. In the street, in the evening, there is only one class.

The light-minded object to this confusion of ranks, to this uniformity of dress; they regret the time when each class, and almost each trade, had its special outward physiognomy. Such persons think themselves artists and especially wish to appear so. Poor artists in any case; inferior artists. They do not see that the thing which men of a lower class suffer impatiently in others is not wealth itself, it is the air of wealth, it is that group of special appearances which make the rich man seem to belong to another and superior humanity. There lies the principle of that base passion, jealousy, which has been justly charged at times against the common people. Equality consoles for everything, even for the lack of means. It is well for every one to see about him only equals; for the workman to feel himself the equal of the bourgeois is to gain in morality, in dignity; for the bourgeois, it means to grow more just, because, be it known, there is no justice except between equals.

The mind and human character have much to gain from this decried uniformity. Something in each one will become better by the change and, consequently, more beautiful. But the false artists of whom I speak are not capable

of understanding this beauty. The picturesqueness of shoes and hats satisfies them. But, it may be said, equality will never be complete; there will always be inequality of the moral or intellectual faculties. Doubtless, that is so, and even more; this inequality will become more marked, and natural superiorities more apparent when the false and superficial inequality of class and fortune shall be effaced. Far from fearing this result, we should desire it. Nothing is more desirable and more proper than the public approval which attaches itself to the good qualities of mind and character, and this inequality has none of the disadvantages of the other; human conscience revolts only at assumptions of superiority or inferiority based upon conditions established by the accident of birth.

As regards liberty, the work of the Revolution leaves more to be desired.

Government is a risk, and, if we may say so, a necessary evil. Reason and experience prove that without government, without the organization of a collective force capable of curbing all private forces, there is neither order nor security; nor, without government, can equality longer exist. In this respect the philosophy of our history (and that of many other nations also) can be formulated in a few words: when there

is no government, or when the government is too weak, as was the case once in Gaul before the coming of the Romans, and a second time in France at the beginning of the middle ages, upper classes arise who dominate and use harshly for their own advantage the so-called lower classes; inequality tends constantly to become more marked, to go deeper; when, on the other hand, a strong government arises, its first care is to lower, to reduce the ruling classes; inequality is lessened little by little, things tend to become level; this is what took place among us, first, under the Romans, then, later, under the rule of the absolute monarchs. Between these two terms, equality and absolutism, there is an affinity, one, too, that can be very easily explained, the consequence of which is that the second always follows as the result of the first; but on both these occasions the government made us pay very dearly for the advantages it brought; on each occasion it was necessary to sterilize the soil, to destroy the activity, the vitality of the country, and to make of France one of those languishing nations which are hardly seen except in the East.

The business of government is to establish order and maintain security; but it is not always the case that the government recognizes the necessary boundaries of its power or is willing to

keep within them (so far as this is concerned the form of the government goes for nothing, and the heads of republics have been as overbearing as the most absolute monarchs). And yet nothing is more disastrous in the long run than a government which exceeds its powers. It may be said that for three centuries the government did more harm each year in France than any natural scourge would ever have been able to do.

Unfortunately for the people, the Revolution did not mark out precisely the limits where the legitimate action of government ends, where the inalienable right of the individual begins. It left this task to us. Upon its completion depends the future of the working classes. The enormous progress that has taken place in the conditions of their material existence during the last fifty years cannot be looked upon as definitive; it may be compromised at any moment, so long as this problem remains unsolved. The working classes can aid the solution greatly. And for that purpose it is not necessary for them to invite the government to step outside of its province, which it already does to too great an extent, by asking for economical privileges.

It is not necessary that they should expect from government that which the free activity

of each, that which labor and collective efforts alone can realize: the progressive diminution of want, the progressive abolition of all the fatal servitudes which nature causes to weigh upon man.

To restrain government within the strict limits of its natural action is the task of the future, it is the indicated and already certain object of future history. The form of government is of much less importance than some people suppose; what is important is the *limitations* of government. A republican assembly like the Convention resembles more closely an absolute monarchy, the immense disadvantages of which have been shown, than it does a really liberal régime.

There is reassurance in the fact that to-day, by the force of circumstances, no nation is condemned to a solitary destiny. On the contrary, the influence of nation upon nation becomes more evident every day, and the force of attraction belongs naturally to those that are furthest advanced upon the road to liberty, because this force is inherent in every true idea. Those nations will draw others after them in their generous evolution.

There will be nations that will march in front, and others that will follow; the destiny of the former will, doubtless, be the most splendid,



but still the whole world will advance, and that is a sufficient reason why an intelligent man, to whatever country he may belong, should refuse to be discouraged and should look forward tranquilly to the future.

THE END.



# I N D E X .

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- Absolute Monarchy, 159.
  - condition of arti-  
sans, 195.
  - destitution under,  
188.
  - exhaustion of the  
country, 166.
  - failure of justice,  
160.
  - wars, 164.
- Aide, droit d', 106, 151, 172.
- Alleu, 47.
- Ancestors, 1.
- Ancien régime, 16th to 18th  
centuries, 159.
  - collection of taxes,  
170.
  - condition of artisans  
under, 195.
  - destitution under, 185.
  - taxes and imposts, 168.
- Appeal to the king, 122.
- Apprentices, 199.
- Army, creation of standing,  
137.
- Authority, aggrandizement of  
royal, 128.
  - different kinds of  
royal, 113.
- Auvergne, great days of, 154.
- Bagaudie, 29.
- Bailli, 118.
- Banalités, 104, 150.
- Barbarian invasions, 34.
  - justice, 41.
- Benefices, 48.
- Castles, multiplication of, 85.
- Cens, 61.
- Charlemagne, 72.
- Chef-d'œuvre, 200.
- Clovis, 39.
- Colons, 13, 23, 64.
- Communes, claim to be sub-  
ject to king,  
116.
  - decline of, 134.
  - foundation of, 91.
  - rural, 96.
- Conquest by the barbarians, 36.
- Corporations, 197.
- Corvee, 103, 149.
  - à merci, 101.
- Court, establishment of, 140.
- Curia, 27.
- Custom houses, 174.
- Destitution in 17th and 18th  
centuries, 188.
- Dizainier, 52.
- Domaine, royal, 114.
- Duel, judicial, 126.
- Duties, 175.
- Eléonore d'Aquitaine, 113.
- End of world expected, 87.
- Famine in 11th century, 88.
- Farming of taxes, 181.
- Feudal justice, 70.
- Feudal system, decline of, 145.
  - establishment, 57.
  - in 11th century, 99.
- Franks, 38.
- Gabelle, 177.
- Game, protection of, 187.
- Gauls, 5.
- Grands-baillis, 121.
- Guilds, 197.
- Hereditability of land and  
office, 52.

- Incursions of Northmen, 83.  
 Invasion, German, 33.
- Journeymen, 200.
- Judicial customs of barbarians, 41, 67.  
     of feudal system, 68, 76.
- Jurists, professional, 130.
- Justice, failure of, against nobles, 155.  
     under an absolute monarch, 160.
- Kings, become seigneurs of the towns, 116.  
     protect people against seigneurs, 111.
- Labor, skilled, under Romans, 30.
- Land, conditional grants, 47.  
     distribution under Gauls, 21.  
     inheritance, 56.
- Language, 2.
- Latifundia, 22.
- Leudes, 37.
- Lods et ventes, 106.
- Louis VI., 111.
- Mainbournie, 60.
- Mainmorte, 102.
- Manumission of serfs, 131.
- Master workmen, 198.
- Metayer, 13.
- Norman incursions, 83.
- Octroi, 173.
- Parlement, 149.
- Peace of God, 89.
- Peasants, in 9th and 10th centuries, 86.  
     under absolutemonarchy, 185.
- People, condition in 17th and 18th centuries, 188.
- Private wars, 74.  
     attempts to stop, 125.
- Property, origin of, in land, 7.
- Prud'hommes, 198.
- Quarantine of the king, 123.
- Rebellion of towns against seigneurs, 91.
- Revolution of 1789, 212.
- Roman law, a model, 129.  
     rule, 19.
- Royalty, its rise in 12th century, 108.
- Salt, tax on, 177.
- Seignioralty, royal, 114.
- Sénéchaux, Grands-, 121.
- Serf, 64, 101.  
     abonné, 103.  
     manumission of, 131.  
     personal, or *de suite*, 101.
- Slaves, 12, 63.
- States general, 147.  
     royal, 114.
- Suzerainty, royal, 114.
- Taille, 103, 168.  
     à merci, 101.  
     aux quatre cas, 145.  
     en régie, 181.
- Taxation, under ancien régime, 168.  
     under Romans, 27.
- Taxes, collection of, 170.  
     farming of, 181.
- Tiers état, 148.
- Tolls, 105, 151, 176.
- Tonlieu, droit de, 106, 151.
- Trades, under absolute monarchy, 195.
- Wars, private, 74, 125.
- Weregild, 44.
- Wine, tax on, 172.
- Year 1000, 86.







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12



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